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THE

# EDINBURGH REVIEW,

OR

# *CRITICAL JOURNAL:*

FOR

## JULY, 1854 . . . . OCTOBER, 1854.

*TO BE CONTINUED QUARTERLY.*

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THE

# EDINBURGH REVIEW,

JULY, 1854.

No. CCIII.

ART. I.—*Correspondence respecting the Rights and Privileges of the Latin and Greek Churches in Turkey. Presented to both Houses of Parliament by Command of Her Majesty.* 1854.

DEBATES in Parliament rarely afford an opportunity of reviewing the whole, or nearly the whole, of an extensive case. The unfairness of party statements on one side, and the but partial correction which it is often possible to give upon the other, together with the interruptions from personal attack and personal reply, make it difficult to render any narrative of events really complete, or to adhere to any line of argument which is consecutive and direct.

This alone would justify an attempt to review in a more complete form the history and causes of the war with Russia. But there is another reason for doing so. The debates in Parliament are themselves a part of the case with which we propose to deal. It is impossible not to ask, with scrupulous and anxious care, how far it has been shown with success that, without the sacrifice of essential objects, the extreme resort of war might have been avoided by any other course than that which has been actually pursued.

To arrive at a just conclusion upon this subject, it is indispensable to trace the course of events in chronological order, and to weigh the questions of policy which successively arose for the consideration of the Government with strict reference to dates.

The papers which were first presented to Parliament commence with a date as remote as 1850. But the great bulk of them refer to the period which elapsed between 1852 and the Declaration of War, in March, 1854. The 'Secret and Con-'fidential' correspondence which subsequently appeared involved no date earlier than January 1853. Practically there is no necessity of going farther back. But an artificial importance having been given in debate to an earlier document—the memorandum of 1844—it is necessary to begin with it.

It appears then that during the Emperor of Russia's visit to England in 1844, the long-familiar 'Eastern Question' became the subject of conversation between his Majesty and some members of the then existing Government. No particular difficulty respecting it had then arisen or seemed impending. No action was called for in regard to it. The communication made by the Emperor was accordingly nothing more than an explanation of the general principles of policy to which he professed his anxiety to adhere. After the Emperor's return to Russia the substance of this communication on his part was embodied in a Memorandum, which was transmitted to Lord Aberdeen, then Minister for Foreign Affairs. Being simply a memorandum of verbal communications, and not being a document on which it was asked or proposed that any action should be taken, it appears to have been shown only to those Ministers with whom the conversations had been held. Lord Derby, in his speech on the Address to the Throne, truly observed that of these Ministers Lord Aberdeen is now the only survivor. Lord Derby might have added that if there had been any other survivor, he would not have ventured to make use of this memorandum as he attempted to do. The two other Ministers were Sir Robert Peel and the Duke of Wellington; and if the terms of that document had remained still unknown, these three names, or any one of them, would have been a sufficient guarantee that it contained nothing which it was unbecoming an English Minister to receive.

Accordingly it may be safely said that if the Emperor of Russia had adhered to the principles he professed in this memorandum, the present war would never have arisen. It contains these main propositions:

That the maintenance of the Porte, in its existing independence and its existing extent of territory, is a great object of European policy: that, in order to this maintenance, the several Powers should abstain from making demands upon it, conceived in a selfish interest, or from assuming towards it an attitude of 'exclusive dictation:' that in the event of the Porte

giving to any one of the Powers just cause of complaint, that Power should be aided by the rest in its endeavours to have such cause removed, so that all occasion of conflict should be avoided: that all the European Powers should urge on the Porte the duty of conciliating its Christian subjects, and should at the same time use all their influence with those subjects to keep them to their allegiance: that in the event of any unforeseen calamity befalling the Turkish Empire, Russia and England should agree together as to the course to be pursued: lastly, the Memorandum suggests that it would be wise to provide against such an event by anticipation, and to come in respect of it to some previous agreement.

No such agreement was come to in consequence of this Memorandum. It remained simply as a declaration and explanation of the ideas entertained by the Emperor of Russia on a subject of great interest to Europe. It was communicated as such by Lord Aberdeen to the French Minister. It was transferred to the hands of each Secretary of State for Foreign Affairs who succeeded to office: it has passed in turns through the hands of Lord Palmerston, of Lord Granville, of Lord Malmesbury, of Lord John Russell, and of Lord Clarendon. Lord Malmesbury informs us that within forty-eight hours of his appointment this Memorandum was brought under his special notice by Baron Brunnow. But he appears to have treated it very much as it had been treated before—as a document containing a declaration of very excellent principles to which it would be most satisfactory that the Emperor of Russia should continue his adherence, but which called for no action or decision whatever on the part of the English Government.

It is obvious that until some event happened, or some dispute arose which was likely to disturb the relations of Turkey with one or more of the European Powers, this must have continued to be the view taken of the Russian Memorandum. And when any such dispute should arise, the only practical use of the Memorandum would be to remind Russia of her own principles, and to help her to put them into practice. It was not until nearly six years after the visit of the Emperor of Russia to England, in 1844, that any such event or dispute arose.

That cloud, then 'no bigger than a man's hand,' which now darkens Europe, rose over the Holy Land. France, the earliest of the Christian nations to enter into diplomatic relations with the Turk, had secured by early treaties an interest in the privileges of the Latin monks in Syria. During the course of several generations those privileges in respect to the custody of buildings and Holy Places, had come to be somewhat divided

with rival communities of the Eastern Church. The restoration of those privileges to the Latins according to the strict letter of ancient Treaties was the demand of France. The continuance of the existing state of things was the demand of the Greeks.

It was on the 20th May, 1850*, that Sir S. Canning wrote to inform Lord Palmerston that the conflicting interests of the Latin and Greek Churches in the East were likely soon to come into collision in respect to the Holy Places. In the beginning of 1851† the Russian Minister at Constantinople is first mentioned by Sir S. Canning as appearing in the quarrel on behalf of his Government, and protesting in the Emperor's name against any change in the *status quo*.

Fully aware of the dangerous contest which such a dispute was likely to raise between the Powers who assume a protecting interest in the rival Churches, the Porte endeavoured by every expedient of delay to avoid committing itself on either side. Such expedients are not unfamiliar with any official authorities: with all Eastern Governments they seem to be inexhaustible. The whole of 1851 and the early part of 1852 were passed in negotiations without any determinate result. Lord Palmerston's instructions to the English Minister were to watch and report the progress of the quarrel; but to hold himself absolutely neutral between the contending parties.

In March, 1852, it seemed as if a settlement had been arrived at; and on the 19th of the month, Sir S. Canning wrote to Lord Malmesbury 'to announce the termination of the long-'pending question of the Syrian Sanctuaries.'‡ The despatch reached England on the ominous date of the 1st of April; the evasive measures to which the Porte resorted speedily opened the whole question in an aspect more serious than before, and ere the end of the autumn Lord Malmesbury was informed by Sir H. Seymour§ from St. Petersburgh, and by Colonel Rose‖ from Constantinople, that the question had become one of real anxiety, from the menacing position assumed towards the Porte by the Powers interested in its solution. Lord Malmesbury adhered, nevertheless, to the policy of his predecessor in office, and in a despatch dated December 14. 1852, directed Colonel Rose to abstain from 'any direct or official 'interference in a question with which, in itself, Her Majesty's 'Government have nothing to do.'¶

As this was the state of matters when the present Government succeeded to office, and substantially the same policy was

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* No. 1. † No. 12. ‡ No. 40.
§ No. 45. ‖ No. 50-1. ¶ No. 52.

pursued by them in respect to the question of the Holy Places, we desire to make here an observation on the principle involved in it. The right of France to claim a legal interest in the privileges of the Latin Church in Syria rested on specific treaties or capitulations. It was not simply the desire of a great Roman Catholic Power to protect the Roman Catholic Church. But the right of Russia to support the rival claims of the Greek community did not rest, or profess to rest, on any such specific obligations. It was founded on a sort of traditional and qualified protectorate, and on the habit of the Porte in communicating to Russia, from time to time, firmans and promises issued in favour of the Greeks. Such a protectorate, even in respect to the question of the Holy Places, was, unquestionably, not free from objection in point of principle; and to assume, upon the strength of it, a right to menace the Porte, did obviously involve a claim very easy of indefinite extension. Still, the Government of Lord Derby felt, as the preceding Government had also felt, that it was no part of the duty or the policy of England to take part against Russia on this abstract ground; and that, as the difficulty had not then been raised at her instance, and the specific demand she made was not in itself unreasonable, it would be unwise and unsafe for Turkey to question that qualified and limited watch over Greek interests in the East, on which alone she could pretend, even as regarded the Syrian Sanctuaries, to make any demand at all.

Although, therefore, the question of the Holy Places had thus assumed a very serious aspect during the latter months of Lord Derby's Government,—and although it did undoubtedly involve, or rather because it did involve, the dangerous question of a Russian interest in the privileges of Christian subjects of the Porte,—there can be no doubt of the substantial wisdom of the course which that Government pursued in instructing the British Minister to hold himself absolutely aloof from both the contending parties.

It does not appear to have occurred to Lord Malmesbury when in office, that any different light was thrown on this policy by the Memorandum of 1844, which was then in his own keeping. He can hardly have forgotten it. Though rather an old story to the succeeding Ministers, to him at least it was a new document; and his special attention had been called to it by Baron Brunnow. Yet, the principles laid down in that Memorandum were not without an important bearing on the ominous question which had arisen in the East. That of which the Emperor spoke, in 1844, as a distant and only possible contingency, had actually occurred in 1852, and called for the decision of the

English Government. Two great Powers, one of them being Russia itself, felt their honour and interests compromised in opposite directions by the conduct of the Porte. Each of them was inclined to suspect the other of assuming towards the weakness of Turkey what the Memorandum of 1844 called an attitude 'of exclusive dictation.' There could be no doubt that a collision of these opposing interests would involve serious dangers to the peace of Europe, and as little doubt that those dangers might ultimately precipitate the fate of the Turkish Empire. The case, then, had actually arisen contemplated in the Memorandum; and the principles on which Russia therein professed her desire to act, became a matter of immediate interest. Yet these principles, as there explained, do not seem to have alarmed Lord Derby, or to have induced him to alter his policy of non-interference.

Bearing these facts in mind, it is not difficult to estimate the character of those strictures which have been passed upon the conduct of the present Government, when, within twenty days after Lord Malmesbury's last despatch*,—under precisely the same circumstances and in reference to the same state of affairs,—the same views and principles were repeated by the Emperor in his confidential communications with Sir H. Seymour.

It is not true, as was pretended in the late debate, that this communication was first made by the Emperor in immediate and gratuitous connexion with his congratulations on the formation of a new Government, or on the return of any one Minister to office. This is simply a mis-statement of facts. Sir H. Seymour specially relates that the usual and natural courtesy on the part of the Emperor, with reference to that event, ended without any allusion to Eastern affairs; that he, Sir H. Seymour, himself introduced the subject of the Eastern question, and that the Emperor evinced some reluctance to enter upon any discussion with regard to it.†

The first of these communications took place on the 9th of January.

The prevailing idea throughout the Emperor's language is that of the alleged decrepitude and decay of the Turkish Empire. The prevailing wish and desire professed is, that of maintaining with England a perfectly open understanding on the policy to be pursued towards the Ottoman Porte. There was nothing surprising in the fact that he should renew these intimations in the circumstances and at the time. For whether the long-cherished opinions of the Emperor on

* Dec. 21. 1852. No. 56. † Confid. Corresp. No. 1.

the instability of Turkish rule in Europe, arising from internal causes, were just or not, it was undeniable that the complications which had then actually arisen might speedily involve the Government of the Sultan in dangers of the most formidable kind. Those circumstances had actually occurred which, it had been long foreseen, involved most peril to its safety. Supposing, therefore, that the Emperor was sincere in his desire to deal openly with England, and that at the same time he felt his honour or his traditional claims compromised in respect to the Holy Places, nothing could be more natural than that he should reiterate convictions which had long been familiar to his mind, and which must have risen with fresh force before it in the existing position of affairs. The fact of his doing so did not necessarily imply any desire on his part to precipitate the difficulties against which he had so long professed his anxiety to provide; and his emphatic declarations were to the effect that it was not his intention or desire to do so.

The account of the conversation of the 14th January reached England on the 6th February. It was the duty of the Government, of course, in the first place, to decline entering into any previous engagement with Russia apart from the other Powers of Europe, in a matter which was of equal interest to them all. But this having been done, the immediate policy to be pursued in the circumstances of the time, was in no way affected by that communication. There were two suppositions possible as to the language of the Emperor. The declaration of his desire to act with perfect openness towards England, and to abstain from any steps calculated to precipitate the fate of Turkey, might be sincere, or it might be deceptive. If it was sincere, as Sir H. Seymour believed it to be, the duty and the policy of England would be to aid in the speedy solution of that dangerous question which was then pending in the East, and which was every day committing more and more deeply the honour and interests of two powerful nations in antagonism to each other and to the Porte. If, on the contrary, the Emperor was insincere, it was equally important that that question should be settled, under cover of which it was alone possible for him to conceal the object of his ambition, and the nature of his designs.

Here then, we would observe, once for all, that this necessarily continued to be the position and the policy of England until the final settlement of the dispute respecting the Holy Places. She had no interest in it, except in so far as it might involve ulterior consequences. The great object was to avoid entering

into the merits of that dispute at all—to urge moderation on both sides, and to maintain a position of entire impartiality—acting solely in the interests of European peace. In pursuance of this line of policy it was the especial duty of the English Government to deprecate on both sides those threatening movements of fleets and armies with which each party might be disposed to back its diplomatic agents; because such movements had the double effect of committing them more deeply to a spirit of mutual hostility, and of exposing the Turkish Empire to imminent internal and external dangers.

The reply of Lord John Russell to the Emperor's confidential communication was dated on the 9th February, and it laid down those principles, in so far as it was then requisite to declare them, with equal dignity and precision.

The same principles determined the position of the English Government, not only with respect to Russia, but with respect to France. To have identified ourselves at that time with the cause of France, would have been to compromise our hopes of successful mediation. Exactly the same language was held to both in respect to the urgent necessity of arresting every threatening movement which might tend to implicate farther the honour of either party, and of settling by compromise and negotiation the difficulties which had arisen.*

No definite indication had at that time been given on the part of Russia of any ulterior designs. Even if it had, it is clear that the policy of England would have been still the same—to remove out of the way as speedily as possible those disputes on which she could not assume an absolute identity with the policy of France, in order to unite cordially with her on those in which the two nations were thoroughly agreed.

Lord J. Russell's reply reached St. Petersburgh on the 20th February, and was read to the Emperor on the 21st. It was on this occasion that His Majesty entered into those details with respect to the ultimate disposal of the Turkish territory which have excited so much attention. However suspicious that language may have been, it is but just to remember that it was accompanied with declarations as emphatic as before, that he neither wished nor intended to bring about the fall he anticipated, and that he connected that expectation principally with the dangerous aspect of the contest respecting the Holy Places.

The account of this second conversation did not reach England until the 6th of March; and it is important to observe

* No. 77.

that more than a week before this date Lord Stratford had been sent, with his instructions, to Constantinople.

These instructions, of date the 25th February*, effectually disprove the assertions made in the House of Lords, that that Minister was armed with no definite policy, and that no general understanding was come to with France for timely co-operation in the East. In respect to the Holy Places, Lord Stratford was instructed to give in Paris the same counsel of moderation and forbearance as regarded the use of menace, which had already been urged at St. Petersburgh, and to offer his best exertions to effect a settlement of that question by peaceful means. On the general principles of policy in respect to Turkey, and what has been called the 'Eastern Question,' he was instructed to assure the French Government of our belief in a perfect identity of interest between the two nations; 'and 'that nothing, therefore, need prevent their cordial co-operation 'in maintaining the integrity and independence of the Turkish 'Empire.' And lastly, in the event of any danger to the Ottoman Empire appearing imminent, he was authorised to call for the assistance of the fleet at Malta.

Lord Stratford had not left England many days, when the Russian special Envoy reached his destination at Constantinople. The account of this event reached England on the 19th March†; and it appeared that the circumstances of that arrival had been so threatening in the estimation of Colonel Rose, that, on the 7th, he had despatched a message to our fleet to approach the waters of the East.‡ Considering the lesson which the English Government had just been inculcating on others—that hasty naval and military movements were, above all things, to be deprecated in the interest of Turkey and of Europe—it did not seem probable that Lord Stratford would have approved of such a step; and it soon appeared§ that within a few days Colonel Rose had himself seen reason to take a calmer view of the state of affairs, and had despatched a second message to Malta to countermand the first.

Lord Stratford, having gone by Paris and Vienna, did not reach Constantinople until the 5th of April, and the account of his arrival did not reach England until the 19th.

In the meantime, however, some important communications had taken place. On the 6th of March Lord Clarendon had received the Emperor's observations on the reply of Lord John Russell to his first confidential communication, and these were more formally recorded in a memorandum received on the 19th.‖

* No. 94. † No. 102. ‡ No. 105.
§ No. 123. ‖ Confid. Corresp. Nos. 6-7.

The Emperor disclaimed entirely 'either plans of partition or 'conventions to be binding beforehand.' He admitted that 'no 'real crisis had arisen to render the fall of Turkey imminent.' He professed that if France would act with moderation towards the Porte, he also would abstain from menace; and, finally, renewed his protestation of a desire to act with entire openness towards the English Government. Next, on the 4th April, Lord Clarendon received from Sir H. Seymour a report of the reply given by the Russian Government to his inquiries respecting the objects of Prince Menchikoff's mission. That reply* conveyed a specific assurance that 'an adjustment of the difficulties respecting the Holy Places would settle *all matters* in 'dispute between Russia and the Porte;' and 'that the Chancellor was not aware that Prince Menchikoff had any other 'grievances to bring forward.'

As reports, however, continued to reach Lord Clarendon of military movements observable in the south of Russia, he directed Sir H. Seymour, on the 5th of April, to ask an explanation of them from the Russian Government. On the 11th† he heard from Colonel Rose that the Russian Ambassador was reported to have proposed to the Porte a secret treaty; and on the 15th‡ he received from the same source certain particulars which seemed to give to that report some definiteness and authenticity.

It was on the same day that Baron Brunnow communicated to the Government the most formal and explicit assurances of his Court—not merely, in general terms, that the Emperor's 'desire and determination were to respect the independence and 'the integrity of the Turkish Empire;' but specifically, that 'all the idle rumours to which the arrival of Prince Menchikoff 'in the Ottoman capital had given rise, the occupation of the 'Principalities, hostile and threatening language to the Porte, '&c., were not only exaggerated, but even destitute of any sort 'of foundation;' and lastly, 'that the mission never had, and 'had not then, any object but that which had been communi-'cated to the British Government.'§ With such assurances as these nothing remained but to await the arrival of Lord Stratford at Constantinople,—his report, and his advice.

The news of his arrival reached England on the 19th, and his first detailed despatch on the 26th of April. On the one hand, it was satisfactory to know that the Turkish Government 'had 'every appearance of understanding that the interests of the

* No. 124. † No. 133. ‡ No. 136.
§ No. 158.

'Porte had been more judiciously consulted by the detention of 'the fleet, than by its appearance in the waters of the Archi-'pelago.' On the other hand, it seemed no longer open to doubt that Prince Menchikoff had indicated the existence of some ulterior demands, beyond the settlement of the question respecting the Holy Places.

In the anxiety which the confirmation of this fact occasioned, Lord Stratford's opinion was not wanting to the Government; and it was in strict conformity with the general principles on which, as before explained, they were predisposed to act. To the Ministers of the Sultan he reported himself as having used the following language: — 'Endeavour to keep the affair of the 'Holy Places separate from the ulterior proposals, whatever 'they may be, of Russia. Should they be found, on ex-'amination, to carry with them that degree of influence over 'the Christian subjects of the Porte, in favour of a Foreign 'Power, which might eventually prove dangerous or seriously 'inconvenient to the exercise of the Sultan's legitimate authority, 'his Majesty's Ministers cannot be denied the right of declining 'them, which would not prevent the removal, by direct sove-'reign authority, of any existing abuse, or the more strict 'execution by the Porte itself, of any treaty engagement 'affording to Russia a fair ground of remonstrance.'* A second despatch from Lord Stratford, dated three days later, inclosed a copy, 'at least, in substance,' of the secret treaty which Prince Menchikoff had proposed to the Porte, and indicated his opinion on the dangers it involved.

But there was a preliminary point, quite as important as the nature of these new proposals on the part of Russia, on which the Government must have looked with care to the opinion and impressions of Lord Stratford. The fact of such proposals being made at all, if made with the authority of the Emperor, implied a very loose understanding on his part, to say the least of it, of the repeated assurances he had given. It was hardly possible that such proposals could have been made without authority; but it was quite possible that along with the authority to make them, there was also an authority to depart from them, if necessary or advisable. The secret mode in which they were made, as if to avoid committing, in the face of Europe, his Government to their support, seemed to favour such a supposition. If it were so, it would be the interest and the object of all concerned not to commit Russia more than she herself desired to be committed. What then was the impression of Lord Stratford at that time?

* No. 150.

In his first despatch of the 6th, reasoning on general principles, he reported himself as having used this language to the Porte: 'The personal character of the Emperor Nicholas, and his obli-'gations in common with the other great Powers of Christendom, 'and his frequent declarations of respect for the independence 'of the Turkish Empire, exclude the suspicion of any attempt 'to carry his point by mere arbitrary force. He lies under the 'restraint of moral, as well as political considerations. He 'could not throw off the mask and compel the Porte to accept, 'on no distinct grounds of treaty, propositions materially 'affecting the Sultan's relations with a large portion of his sub-'jects, and consequently to a certain degree his position in the 'general scale of power, without exposing himself to severe 'censure, and risking interests of the most important description. 'Were it, however, to turn out, contrary to all reasonable cal-'culation, that his ambassador was authorised to proceed to 'extremities, the Porte would still have the resource of re-'serving its compliance until it had consulted with those of its 'allies, who, together with Russia, were parties to the treaty of '1841.'*

Five days later, on the 11th†, he reported the tone of the Russian Ambassador as considerably softened; 'that his object 'was to reinstate Russian influence in Turkey on an exclusive 'basis, and in a commanding and stringent form; but that there 'was no question of a defensive treaty, and *unless as a consequence* '*of the late naval movement from Toulon, no thought of military* '*intimidation for the present.*' He reported farther a very favourable account of the conciliatory disposition of the French Ambassador; and added, in respect to Austria, that, 'although there 'was still a leaning towards Russia, she would not support 'Prince Menchikoff in any proposals tending to increase the 'influence of that Power at the expense of Turkish inde-'pendence. Upon the whole,' Lord Stratford concluded, 'there 'is reason to hope that the clouds which have hung over 'Turkey of late will finally disperse without a storm, though 'not, perhaps, without some further causes for anxiety, and the 'interference of friendly counsels.'

Up to this date, then, it will be observed that England was still restrained from identical action with France, by the necessity of preserving her mediatorial character in the question of the Holy Places, and by well-founded hopes that her mediation would succeed. All danger of violence on the part of Russia, all the military preparations within her own frontier, had, up to

* No. 150. † No. 153.

this time, been apparently connected with the conduct of her rival in that question. But Lord Stratford, with much judgment and ability, had made use of the new designs now betrayed by Prince Menchikoff, to impress successfully on the French Minister the immense importance of an early settlement of that question, so that when it should be out of the way, France and England might bring their united influence to bear against the ulterior aims of Russia.

It was not until the 9th May that the Government were informed that this great object had been effected; and that about the 25th April the question of the Holy Places had been definitively settled to the satisfaction of the French and Russian embassies.*

Immediately thereafter, Lord Clarendon addressed the Russian Government expressing surprise at the new and unexpected demands advanced by Prince Menchikoff in its name, and warning it that England would strictly adhere to her ancient policy of assisting the Sultan to maintain his independence. On the 18th† the Government further heard that Prince Menchikoff, having, to some extent, altered and modified the proposed Convention or Treaty, had made a more peremptory demand for its acceptance. Within three days thereafter, on the 22nd‡, farther accounts arrived from Lord Stratford which involved his opinion on the most important of all questions at the time,—viz. how far it was wise for the Porte, or for England, in its interest and support, to assume an attitude likely to precipitate a crisis. Lord Stratford says:—'I advised the Turkish Government 'to open a door for negotiation in the Note to be prepared, and 'to withhold no concession compatible with the real welfare and 'independence of the Empire. In rising to take leave, I was 'asked by the Grand Vizier, whether any reliance could be 'placed on the eventual approach of Her Majesty's squadron in 'the Mediterranean. I replied that I considered the position in 'its present stage to be one of a moral character, and conse-'quently, that its difficulties or hazards, whatever they might be, 'should be rather met by acts of a similar description, than by 'demonstrations calculated to increase alarm and provoke resent-'ment.' In this policy and opinion Lord Stratford was cordially supported by the French Minister. 'I left him,' says Lord Stratford in the same despatch, 'with the impression that we 'were both on the same ground; that he, no more than myself, 'contemplated an appeal to the squadrons without express 'orders from home; that he disapproved of the proposed Sened

* No. 169. † No. 179. ‡ No. 184.

'(or Convention); that he fully appreciated the dangers involved 'in the terms of its first and second articles, and deprecated the 'peremptory attitude assumed by the Russian Ambassador, at 'the same time that he entered into all those considerations 'which naturally result from the weakness of the Turkish Em-'pire.'

It has been asserted in Parliament, that if the English Government had listened to the advice of France, a more energetic course would have been taken at an earlier time. This, however, is a total misrepresentation of the fact. It is true that France, during the controversy respecting the Holy Places, had, very naturally, been more disposed than the English Government to a policy of action and alarm. But even in that question, in which her own feelings were so much concerned, she had, for some time, acted on the advice of the English Government; she had accepted its assistance with entire good faith, and with an honourable desire to escape from the difficulties of her position without endangering the peace of Europe. And the moment that controversy had been settled, and her judgment became free from a necessary bias, her opinion united itself still more firmly with that of England, respecting the wisest course to be pursued in the interests of Turkey, and of European peace. Accordingly, the French Cabinet now came to precisely the same conclusion as that reported by the Ambassadors on the spot. Indeed the language of the French Government was even more decided in its tone of conciliation than that of the English Minister. Lord Cowley on the 23rd May‡ reported that M. Drouyn de Lhuys 'recommended prudence and conciliation. While admit-'ting the validity and force of the objections taken by the Otto-'man Ministers to Prince Menchikoff's demands, *he could not* '*assume the responsibility of advising the Porte to reject them.* 'He had recommended that those objections should be carefully 'stated, and laid before the Great Powers of Europe.' The Turkish Ministers having indicated a hope of active assistance from France, '*this hope*,' says Lord Cowley, '*had not been en-*'*couraged by M. de la Cour*, who appears to have abstained from 'doing more than recognising that the Porte would be perfectly 'justified in refusing the demand of Prince Menchikoff, with-'out, however, advising her to adopt that line of conduct.'

On the same day on which the despatch was received, formal assurances were exchanged between the Governments of France and England of their mutual desire to co-operate in upholding

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the Turkish Empire, and to act with this view in 'cordial con-'cert.'*

Four days after the date of these assurances, on the 28th of May, the Government heard by telegraph of the final rupture of diplomatic relations between Russia and Turkey, and of the departure of Prince Menchikoff from Constantinople.

Although Lord Stratford's impression in reference to this possible event, had been to the effect that there was no danger of any hostile aggression as to the result of the failure of the pending negotiations, yet his last despatch had implied fears which it was impossible to overlook. He spoke of the expected withdrawal of the Russian Embassy as 'giving ample room for 'the worst conjectures, and even the most painful apprehensions.' There was still much to be said, indeed, for continuing to abstain from naval and military movements. Such movements are essentially an appeal to arms, and when once begun, they can be rarely stopped until the final issue to which they point is tried. Yet, on the other hand, the rupture of diplomatic relations might result in immediate war; Turkey was weak and comparatively exposed; it was, at least, possible that Russia might entertain the violent designs which had so often been attributed to her. Her late assurances had certainly not been kept; there was the most solid ground for suspicion and alarm. No Government could incur the responsibility of not taking such precautions as were possible against sudden violence on the part of Russia. The immediate decision of the Cabinet, therefore, after hearing of the rupture of diplomatic relations, appears to have been to direct the fleets to approach the waters of the Archipelago, and to place them, with more specific instructions than before, at the disposal of Lord Stratford. In addition to the general discretion left to him, it was specially explained by Lord Clarendon that 'a declaration of war by Russia against Turkey, the embark-'ation of troops at Sebastopol, or any other well-established fact, 'denoting intentions of unmistakeable hostility, would, in the 'opinion of the Government, justify him in sending for the fleet.'†

This was on the 30th of May; and in about a fortnight afterwards the combined fleets of England and France were at anchor in Besika Bay.‡ As this movement of the fleets to the neighbourhood of the Dardanelles was undoubtedly a critical stage in the transactions which have ended in war, it is right to consider, with close attention, the exact position of affairs, and the precise object which was then in view.

There could be but two objects in that movement, — the one

* No. 187. † No. 194. ‡ No. 297.

special and definite, the other general, but easily understood. The specific object was to be at hand in case of any sudden attack on the capital of the Turkish Empire, or on its immediate neighbourhood, by the naval forces of Russia, or by the combined action of a fleet and army. The general object could only be what Nesselrode called a 'démonstration comminatoire;' that is to say, an intimation to both parties that the Western Powers were prepared to support the Sultan against a policy of violence on the part of Russia.

For the first purpose it is enough to say that the movement of the fleets was not made earlier than was imperatively demanded by the responsible position in which the Government would have stood, if, by any possible accident, such a movement had been made too late.

The second purpose is that respecting which by far the most important and critical considerations arise. Would it have been better, with this purpose in view, to have made a naval demonstration at an earlier time? It has been common to say, in defence of the Government, that it is impossible to found any sure opinion on *ex post facto* speculations as to what would have happened, if such and such supposed measures had been taken. We are disposed to take stronger ground. It is true, indeed, that no speculative conclusion of such a kind can ever be susceptible of actual proof. But in this case, whether judged by probabilities as they were then seen, or by actual results as they subsequently appeared, the course taken seems to have been clearly right. Let it be remembered that there are certain great general principles on which those who are charged with the conduct of affairs in times of difficulty and danger are bound to act. Governments are not at liberty to play a game of hazard on the dreadful issues of peace and war. It is their duty to found their conduct on the known laws which affect the wills of men. Now there are two opposite motives which may be brought to bear on the policy of States. There is the fear of danger: there is the fear of being supposed to fear it. With great and powerful nations the last of these two influences, if once brought to bear, is very apt to extinguish every other. It is not a leading but a compelling force. It ceases to be a motive, and becomes a necessity. This is true of such States under all forms of Government. But it is especially true of such as are ruled in the way most subject to the impulses of pride and passion, viz., Despotisms and Democracies. It was on this ground that England had so perseveringly inculcated forbearance, not merely in the use, but in the show of force. To bring the mere fear of danger to bear successfully upon a

Power like Russia, it must be indicated in a way not too apparent to itself, and as much as possible concealed from others. This had been done already. Russia was perfectly aware of the view which the English Government would take of her new attempt on the independence of Turkey. It was therefore that she had concealed that attempt, and denied it to the last. It was therefore that she had so often reiterated her assurances, and renewed her promises; and it was under no other influences that Prince Menchikoff had thrice abated his terms before he broke off relations with the Porte. On general principles, therefore, as well as with reference to the condition of Turkey, it had seemed wise up to that time to abstain from threatening demonstrations. Subsequent events have gone far to prove the truth of that conclusion. For the particular purpose for which the fleets were moved, their presence in the neighbourhood of Constantinople was, for ought we knew then, and for ought we know now, absolutely required. For any more general purpose of intimidating a Power whose strength is in armies, and to which the most obvious field of aggression against Turkey was in inland and defenceless provinces — it did not seem likely then, and it is quite certain now, that that movement could have exercised no real effect. Prudential considerations in favour of the same causes arising out of the condition of the Turkish Empire, had, up to the last moment, been reported to the Government by Lord Stratford de Redcliffe.

It was on the very same day—the 30th May, on which the English Government ordered the departure of the fleet from Malta, that the Emperor of Russia committed himself to the occupation of the Principalities, if, within eight days, the Menchikoff ultimatum were not accepted by the Porte. This fact is of itself sufficient to dispose of two arguments, one used by the Emperor of Russia, the other by those who, in this country, have blamed the conduct of the Government. Russia afterwards asserted that she was driven to make this threat, and to execute this movement, by the counter threat and the counter movement of the combined fleets. This is simply false, as the above facts and dates demonstrate. But the same facts and dates are equally effectual to disprove the argument of those who maintain that either a more decided movement of the fleets at that time, or a threat to pass the Dardanelles if the Pruth were crossed, would have prevented the occupation of the Principalities. For, as the French Government observed in one of those subsequent despatches which do so much credit to their ability as well as to their honour — 'on the 31st of May this decision (viz., that of 'occupying the Provinces), was adopted with a degree of

'solemnity which left no room for a Government jealous of its 'dignity, to modify it.' This is obviously true, and the presence of the combined squadrons in the waters of the Bosphorus, or even in the Black Sea, could have had no possible effect on the passing of the Pruth. It is needless to dwell on the prior difficulty that until the Pruth had been crossed, or otherwise the Porte was at declared war with Russia, it would have been a violation of Treaties for the fleets to have passed the Dardanelles.

From the date of the order to the fleets to repair to Besika Bay, to that of the declaration of war against Russia on the part of Turkey, there is an interval of four months. This last event did not take place until the 4th of October. These four months were mainly occupied by active preparations for war on both sides, and by unremitting exertions on the part of the four great Powers to bring about a settlement of the quarrel by means of negotiation. And having now traced the policy of the English Government in respect to the employment or the show of force up to the point at which we have now arrived, let us examine with equal care the principles which had guided and continued to guide their diplomatic efforts in the cause of peace.

As soon as the question of the Holy Places had been settled, it only remained to deal with the new proposals which had been indicated by Russia. These proposals called for the most serious consideration of the Government as to the policy to be pursued by England, as well as that which she was to recommend to the adoption of the Porte. Two vital questions arose respecting them: first, as to the nature and effect of those proposals in themselves; secondly, as to the mode in which they might be most wisely met. In regard to the first of these questions there was one great general principle to which the necessity of adhering was apparent from the first. It has been weakly argued that none of the demands made by Russia last spring could have involved the Turkish Government in any danger comparable with that to which they would be exposed by war. But even if this were true as regards the interests of the Turks, it is not true either of the interests of the countries of which they are the present rulers, or of the interests of Europe in respect to them. The actual seizure of Turkey by Russian armies was not the only form of possession which it was the ancient interest and policy of Europe to prevent. The peculiar condition of Turkey gave facilities for absorption by another process, and if that process were allowed to proceed without control, every step in advance would render it more and more difficult to resist successfully the ultimate design. If, therefore, the new demands of Russia were of a nature to indi-

cate the commencement of such a process, and to give to the Emperor of Russia a legal right of constant criticism, of interference, and ultimately of control over the internal government of Turkey, they could be regarded in no other light than as a march in the most formidable of all directions towards the Empire of the East.

But there was another great principle to be remembered too. It has been contended on another side, with equal confusion as to the real point at issue, that Europe was bound to plunge into immediate war rather than permit the Sultan to compromise, by any promise or intimation whatever, some abstract theory of Turkish Independence or right 'to do what they will with their own' Christian subjects. But those conditions of the Turkish Empire which exposed it to danger in the peculiar form to which we have referred, were conditions which lay in the nature of things, and were not to be altered or removed by a mere refusal to acknowledge their existence. Exceptional in their nature, they had long been necessarily and instinctively recognised as involving exceptional relations between that Empire and the Christian Powers of Europe. Even in times when Mussulman force was yet unabated, the Sultans had consented to recognise the natural interest of those Powers in the Christians who were subject to Mussulman dominion; and they had entered into engagements, more or less limited, with a view to its satisfaction. The gradual decline of Turkey during a hundred and fifty years,—a decline written in indelible characters on the history of Europe, and measured by the difference between her position then and her position now,—had not rendered such an acknowledgment less natural, or diminished the number of engagements corresponding with it. They had been entered into with France and Austria; and one such promise, vague and general in its terms, had been given to that Great Power, whose weight had been heaviest upon her in the period of her decline, and which had gained almost all the territories she had lost. That engagement with Russia did not differ in principle from any similar promise given to any other Power. Greater danger attached to it in her case from the alliance between the forms of Christianity in Russia and in Turkey, and more from the traditional tendencies and hopes of Muscovite ambition. Those who were interested in defeating the further aggrandisement of Russia at the expense of Turkey, as all Europe was, might regret that any such promises had been ever given, or that the principle involved in these promises had ever been conceded. But this was only to regret that Turkey should be what Turkey is. It was not to assert abstract principles, from which

the nature of her position had long led her to depart, any more than to restore to her territories which she had lost in the course of centuries, that Christian Powers could be called upon to endanger the cause of European peace. For many years it had been the utmost hope of their policy to maintain the *status quo* —a state which, in the opinion of many, had been found not incompatible with a rapid improvement, during late years, in the condition of Turkey, and with a gradual admission into her system of government, of the principles of Western civilisation.

It followed from the balance of these fundamental considerations, that if the new demands of Russia were of a nature to confer upon her, in definite and legal form, rights of protectorate over the Christian subjects of the Porte, they were demands which called for the resistance of Europe. But if on the contrary they either were—or could be reduced to—a simple reaffirmation of existing treaties, it would be well to leave Russia this method of retreat from designs which she had indeed betrayed, but to which she was not yet openly committed.

The Government then must have looked with anxiety to the advice and opinion of Lord Stratford on this vital point. That opinion was very plainly intimated in the very same despatch which announced the settlement of the question respecting the Holy Places. Referring to the result of a conference he had had with the Turkish Minister, he says: 'Were Prince Menchikoff 'to prefer a simple confirmation of the articles of existing 'treaties concerning the Greek religion, to no convention at all, 'it might, we thought, be more advisable, on the whole, to meet 'his wishes in this respect than to hazard the consequences, 'whatever they might be, of his retiring in disgust.'

Such were the general principles as well as the special grounds on which Lord Stratford de Redcliffe advised the Porte that if the demands of Russia could be reduced to a mere re-affirmation of existing treaties, or to giving her, in the form of a Note, some assurance of a nature not more entangling, it would be wise and prudent to settle the dispute on such a basis. It is not true, as has been most superficially asserted, that the complications which then threatened, and have since arisen, were the consequence of those existing treaties. The real causes of difficulty and embarrassment in the 'Eastern Question' lie far deeper in past history and in existing facts. The insufficiency of those treaties for the objects of her ambition was the very want which Russia felt, and which impelled her to these new demands. The argument of the Porte against Russia was, that the Government of the Sultan had violated no existing treaties, and that there was no pretence for the charge that she had sought to evade

or to infringe them. It is true that Russia professed to rest her demands on an existing treaty; but it is equally true that as they went far beyond that treaty, the obvious policy of those who resisted them was to bind Russia to her own profession,—to deny her what she really wanted by offering her what she professed to ask.

We need hardly say that the terms which it was fitting and wise to offer for the purpose of *preventing war* have nothing to do with the terms which may be demanded after war has been begun, and when it shall have proved successful. But to have proclaimed at that time that a departure from existing treaties was the object of Turkey, would of course have been to declare war at once. We are not interested in proving that war might not have been begun sooner, or rendered inevitable at an earlier time. There is no doubt of that.

Now let us look closely to the facts with which the diplomatists of Europe had to deal in the negotiations of the summer and autumn, and in the application of the general principles to which we have referred. Stipulations relative to religious matters in the existing treaties between Russia and the Porte were all, with one exception, strictly limited with reference to particular buildings and localities, or to the two provinces of Moldavia and Wallachia, which in this as well as in almost all other respects, stood in most anomalous relations with the Suzerain Power. There was, however, one exception,—the Treaty of Kainardji,—and it was on this exception that Russia pretended to justify her conduct. Now the only words in that treaty which have reference to this subject are few and simple. They are these: 'The Sublime Porte promises constantly to 'protect the Christian religion and its churches.'

It is obvious that these words import nothing more than a general engagement to exercise toleration towards the Christian faith. They recognise nothing more on the part of Russia than that general interest in the Christian population of the Ottoman Empire, which was a necessary and natural feeling with every Christian Power. They neither give nor imply any right on her part to interfere with the ordinary relations between the Porte and its Christian subjects. Some of these relations are necessarily of a very delicate kind, in which the smallest foreign interference would be highly dangerous. This is especially true of those ecclesiastico-political relations which subsisted between the ancient hierarchical system of the Greek Church and the authority of the Imperial Government. The design of Russia, therefore, in her new demands, was to obtain a footing for interference in those relations. The real and essential object of

Turkey and of those who desired to help her, was to frustrate this design. Russia did not care for what she already had,—a general interest in the toleration of Christianity,—and every one of the popular arguments which have been directed to the assertion of the abstract principle that even this interest ought not to be formally admitted, have been arguments not merely waste and useless as regarded the real point at issue, but positively useful to Russia as enabling her to cover, under the plausible defence of her old rights, the real treachery of her new demands.

In the light of these obvious considerations, let us look to the first proposals of Russia, and the manner in which Lord Stratford advised that they should be met.

The secret treaty, first proposed by Prince Menchikoff went directly to secure the real aim of Russia. The first Article stipulated that the 'Greek religion should be always protected 'in all the churches,' and that Russia 'should have the right, as 'in times past, *to give orders* to the churches, both in Con- 'stantinople and in other places and towns, *as well as to the* 'ecclesiastics.' The second Article secured to Russia, partly in the insidious form of a narrative of existing customs, and partly by direct stipulation, a right of watching over the election to the four great Patriarchates of the East, and expressly included the 'temporal advantages' as well as the mere spiritual privileges which they had enjoyed, as matters of engagement towards the Emperor of Russia. The third Article goes into still greater detail, in regulating, on the same principle, the relations between the Porte and those great depositaries of ecclesiastical and political influence and power.*

When Prince Menchikoff found that those demands would be resisted by the Porte, and that in that resistance it would be supported by the Western Powers, he was authorised by his Government to modify his terms.† Accordingly, on the 5th May, a new Convention was proposed, with the avowed declaration, however, that the 'bases of the arrangement were sub- 'stantially the same.' The three long and detailed articles of the treaty first proposed, were now all condensed into one short and comprehensive formula:—

'Article 1.—No change shall be made as regards the rights, 'privileges, and immunities, which have been enjoyed by, or are 'possessed *ab antiquo* by the orthodox churches, pious institu- 'tions, and clergy in the dominions of the Sublime Ottoman 'Porte, which is pleased to secure the same to them in per- 'petuity, on the strict basis of the *status quo* now existing.'

* Project of Secret Treaty, No. 153, Inclosure.

† No. 179 and Inclosure.

A second Article was added, stipulating that whatever advantages might have been, or might be conceded to other Christian rites, should be conceded also to the Greek Church.

As the Porte had been told that this one compendious Article included bases 'substantially the same' as the former Articles which were so much more specific, it naturally scanned the words rather narrowly. It was clear that the 'rights, privileges, 'and immunities enjoyed *ab antiquo*' by the clergy of the Greek Church were words large enough to cover everything that gave, or had ever given, power and influence to that Hierarchy. It was not a mere promise of toleration towards their faith, or in respect of their purely spiritual rights.

Acting on the principles before explained, Lord Stratford suggested to the Porte, on the 14th of May, that it should meet this demand which was dangerous, by an offer which should be safe. He supplied the Imperial Government with a form of words which 'exhibited in substance the extent to which con-'cession might be carried without serious danger.'* It was as follows:—

'The orthodox religion of the East and its clergy, as well as 'those of other Christian denominations, shall continue, *as 'regards spiritual matters*, to enjoy under the sovereign pro-'tection of His Majesty the Sultan, the privileges and im-'munities which have been granted to them at different times 'by the Imperial favour. Their Churches and their other pos-'sessions, legally acquired, shall be respectively preserved to 'them.'

We need hardly point out how skilfully the sting of the Russian proposal was extracted in this form of words. The limitation of the promise to merely spiritual privileges, and the expunging of the vague words '*ab antiquo*,' would have left the Porte perfectly free to deal, as the exigencies of its own administration might require, with the ecclesiastical and civil jurisdictions, as well as with the political influence of the Patriarchs and Clergy.

Prince Menchikoff, finding that his second form of treaty was met with the same refusal as the first, broke off diplomatic relations with the Porte, but at the twelfth hour offered to resume them at the expense of yet one more concession in point of form, if not of substance. The form of a Treaty was abandoned. A Note would be sufficient; and the principal clause was worded thus:—

'The orthodox religion of the East, its clergy, its churches,

* No. 193.

'and its possessions, as well as its religious establishments, shall 'enjoy for the future, without any detriment, under the protec- 'tion of his Majesty the Sultan, the privileges and immunities 'which are secured them *ab antiquo*, or which have been granted 'to them at various times by the Imperial favour, and on a 'principle of high equity, shall participate in the advantages 'accorded to the other Christian sects, as well as to the foreign 'legations accredited to the Sublime Porte, by convention or 'special arrangement.'

The same objections, however, to the substance of this engagement remained. The essential limitation imposed upon the promise by the use of the word 'spiritual' was wanting; and the fact of insisting on the words '*ab antiquo*,' interpreted in connexion with this omission, might be construed as implying a determination to include ancient and dangerous ecclesiastical jurisdictions.

The form of words suggested by Lord Stratford reached England on the 30th May, the same day on which the resolution to send the fleets from Malta was taken by the Government. The form of the Menchikoff ultimatum became known to the Government a few days after—on the 3rd June.* On the 10th, the further important information was received, how far the Porte had been disposed to accept Lord Stratford's advice, by offering some assurance to Russia in a safer form. On that day, Lord Clarendon was informed of the Turkish ultimatum which had been offered to Prince Menchikoff. The corresponding paragraph was in these words:—'With reference to the religious 'privileges of the Greek Churches and clergy, the honour of the 'Porte requires that the exclusively spiritual privileges granted 'under the Sultan's predecessors, and confirmed by his Majesty, 'should be now and henceforward preserved unimpaired and in 'force; and the equitable system pursued by the Porte towards 'its subjects, demands that any spiritual privileges whatever 'granted henceforward to one class of Christian subjects, should 'not be refused to the Greek Clergy.'†

This was a very satisfactory document, under the circumstances of the case. It ran more than parallel with the suggestion of Lord Stratford. It not only gave the promise required as regarded 'spiritual' privileges, but it declared further that to the maintenance of these the Sultan was bound by honour.

Such was the state of the information in possession of the English Government respecting what might safely, and probably would be willingly conceded by the Porte, when, on the 27th

* No. 210. † No. 239. Inclosure.

June the French Government proposed the plan of settlement which ultimately assumed the form known under the title of the Vienna Note. The following were the terms in which, according to the opinion of the French Government, the Minister of the Sultan might be advised to address to Russia an assurance on the subject in dispute:

'The Undersigned has accordingly received orders to declare 'by the present Note that the Government of his Majesty the 'Sultan considers itself bound in honour to cause to be observed 'for ever, and to preserve from all prejudices, either now or here-'after, the enjoyment of the *spiritual privileges* which have been 'granted by his Majesty's august ancestors to the orthodox 'Eastern Church, and which are maintained and confirmed by 'him; and moreover, in a spirit of exalted equity, to cause the 'Greek rite to share in the advantages granted to the other 'Christian rites by convention or special arrangement.'*

The language of this paragraph was so closely analogous to that which had been suggested by Lord Stratford, as well as with that which had been offered by Reshid Pasha himself, that the English Government, though not hopeful as to the success of France in effecting an arrangement on this basis, willingly assented to her endeavours in that behalf.

In the meantime while this and other projects conceived in a similar spirit, and directed to the same end, were being proposed and sent to the various distant capitals of the Powers concerned, the English Government continued to receive from Lord Stratford de Redcliffe advices which strongly confirmed the wisdom and prudence of the line of policy which was being thus pursued. On the 3rd July a despatch was received from that Minister giving an account of the advice which, in concert with M. de la Cour, he continued to give to the Porte, in the immediate prospect of the threatened occupation of the Principalities.† He says:

'The preservation of peace, so long as it is possible to pre-'serve it with a chance of settling by negotiation the existing 'difference, is of such deep importance that I have not hesitated 'to advise forbearance on the approaching invasion of the Otto-'man territory. It is notorious that the Principalities are placed 'under circumstances of a peculiar character with reference to 'the neighbouring Powers, and the consequences of a foreign 'military occupation within their limits are in practice by no 'means so likely to disturb the interests of the Porte as if a 'similar act of aggression were committed against those parts

* No. 295. † No. 308.

'of the Empire which are directly administered by this Govern-
'ment. It may be added that, in a military point of view, re-
'sistance could not be offered to Russia in that quarter under
'present circumstances with any prospect of success.'

This despatch was rapidly followed, on the 8th, by another *, if possible, still more important. In addition to the considerations arising from the comparative weakness of Turkey, he now presented another motive of paramount obligation. The anxiety of the German Powers had been at last aroused, and their Representatives at the Porte now manifested a desire to assist France and England in the peaceful solution of a question so dangerous to themselves. Lord Stratford had therefore proposed a meeting of the four Representatives. He explained his views,—first, 'the importance of keeping every
'chance of accommodation open as long as possible,'—next of
'having it clearly understood, at the same time, that there could
'be no question of ceding the diplomatic engagement required
'by Russia.' Lord Stratford added this important account of the impression left upon his mind: 'It is but justice to state
'that I found the French Ambassador, the Austrian Inter-
'nuncio, and the Prussian Envoy, animated as to these several
'points with sentiments of the most satisfactory description;
'and I infer from the harmony which prevailed among us that,
'whatever difference of opinion, arising from difference of posi-
'tion, may exist *as to the ulterior means* of supporting the Sultan
'in his struggle with Russia, your Lordship will find little
'difficulty in directing the *joint moral action* of the Four Powers
'towards the adjustment of the present question.' But that conference of the Four Powers had not ended in impressions merely; they drew up a Memorandum of their advice to the Porte, and that advice, framed at the suggestion of Austria, and assented to by Lord Stratford, was nothing less specific than this: 'We have decided on suggesting to the Sultan's Minister
'for Foreign Affairs to cause a draft of communication to be
'prepared, founded on the idea of blending Prince Menchikoff's
'draft with that of Reshid Pasha, in the hope of devising a form
'of Note which might be acceptable to Russia, without departing
'from the principle which the Porte has deemed to be essential
'for the maintenance of its sovereign rights.' †

If this advice should be acceded to by the Porte, it seemed probable that the contemplated note could not fail to be substantially the same with one or other of the proposals which had now for some time been on their way. It must have seemed hopeful,

* No. 321. † Inclos. 2. No. 321.

therefore, that the only doubt suggested by Reshid Pasha as to this advice, was a doubt as to the proposed document being such as would be accepted by Russia.* It must have seemed still more hopeful when, on the 20th of the same month, the Government received from Lord Stratford the announcement that 'the Austrian suggestion adopted, as I mentioned before, by the Representatives of Austria, France, Great Britain and Prussia, has 'been laid before the Sultan, and, after an unexplained delay of 'several days, returned to Reshid Pasha with His Majesty's 'sanction.'† It could not fail, therefore, to be doubly mortifying that Lord Stratford went on to say that no subsequent communication had been made to him upon the subject; and that he feared this particular proposal would have to be abandoned as offering no prospect of success. No explanation was given of the reasons on which that fear was founded. It seemed to arise simply from the slowness and immobility of the Porte, for as the principle of the suggestion had received the Sultan's assent, it could not be any objection on the part of the Turkish Government to the suggested basis.

Such was the position of affairs—every day of additional delay adding strength to the impulses of war, and rendering more hopeless the prospect of a peace which yet, in theory and in principle, seemed almost within reach,—when, on the 25th July, the Government heard from Vienna that the French proposal of the 27th June was considered in that capital as affording a very probable basis of successful negotiation; and that the Austrian Cabinet proposed to the Representatives of the Four Powers to frame a Note upon it. Coupling that announcement with the very favourable report lately received from Lord Stratford of the disposition evinced by the Austrian Government through their Minister at Constantinople, and with the fact that it came from the same Cabinet whose suggestion had been there so well received;—considering also that the French Note seemed closely to answer the description of the Note which the Sultan had already sanctioned, viz.: a 'blending of Prince Menchikoff's 'draft with that of Reshid Pasha':—considering further the difficulties and delays which seemed to be impeding the success of Lord Stratford on the spot, it would have been in the highest degree culpable of the English Government to have closed the favourable opening which thus suddenly and opportunely appeared in the direction of Vienna.

The assent of the Government was therefore at once given to the holding of a Conference with the view proposed. It was

* Inclos. 3. in 321. † No. 357.

speedily found that the alterations proposed at Vienna in the original form of the Note were few, and not important. It was therefore assented to by Government, as it had been assented to a month before; and on the 31st July the Note, thenceforward called the Vienna Note, was finally adopted by the Conference of the four Representatives, and immediately forwarded to both the Powers more immediately concerned.

The important paragraph in the Vienna Note, corresponding to that in all the other projects of negotiation, ran as follows:— 'The Undersigned has, in consequence, received orders to 'declare, by the present Note, that the Government of His 'Majesty the Sultan will remain faithful to the letter and spirit 'of the Treaties of Kainardji and Adrianople relative to the 'protection of the Christian religion, and that His Majesty 'considers himself bound in honour to cause to be observed for 'ever, and to preserve from all prejudice, either now or hereafter, the enjoyment of the spiritual privileges which have 'been granted by His Majesty's august ancestors to the orthodox Eastern Church, and which are maintained and confirmed 'by him; and moreover, in a spirit of exalted equity, to cause 'the Greek rite to share in the advantages granted to the other 'Christian rites by convention or special arrangement.' *

Now it will be observed that on the main and essential point which had been in dispute, viz., the strict limitation of the promise given to merely *spiritual* privileges, both by the express insertion of that word, and by the expunging of the obnoxious phrase *ab antiquo*, the language of the note was scrupulously intended to guard the interests of the Porte. It is to be remembered what stress had been laid, and justly laid, upon this point by both parties. It was this limitation which Prince Menchikoff had refused in terms of arrogance and menace, at the moment when he brought his mission to a close. This, therefore, was the point to which friendly Governments mainly looked as of essential value, and on this the language of the Vienna Note was held to be definite and clear. The only addition to the Note as originally drawn up by the French Government, was in the preliminary promise to remain faithful to the spirit and the letter of the existing Treaty of Kainardji. As that Treaty had respect only to the general principle of toleration towards the Christian faith, this was an assurance which might, indeed, be superfluous, but could not be open to any other objection. The English Government had suggested a verbal alteration in the original draft of the Note, the object of which was to disconnect the promise given as to the

* No. 31. Inclosure 10.

future, and as to the spiritual privileges of the Greek Church in particular, from the previous assurance with respect to the Treaty of Kainardji. This had been agreed to, and the wording of the Note, in this matter of argument, specially excluded the Russian plea, that that Treaty had entitled the Emperor to make any farther demand whatever.

On the 11th of August the Government heard from St. Petersburgh that the Emperor accepted, and would abide by the Vienna Note.

It now only remained to know its reception by the Porte. But in the meantime, on the 18th of August, an important despatch was received from Lord Stratford, dated on the 4th, which stated in detail the grounds on which he was then still recommending to the Sultan a moderate and pacific policy. These were, the desirableness of postponing actual hostilities — the opening of new chances of peace — the value of additional time for purposes of defence, and its value also for maturing the public opinion of Europe.

It was not until the 29th August that the Government heard of modifications in the Note being required by the Porte; and not till the 31st that they heard of the final vote of the General-Council, and Lord Stratford's detailed statement of the objections made to the Note as it then stood. The principal objection of the Porte did not concern the main paragraph which had been the previous subject of discussion: but had reference to the general promise appended at the end, to give to the Greek Rite whatever advantages might be given to other Christian Rites by convention or special arrangement. This as connected with the general principle of equal toleration towards all forms of Christianity was not unnaturally considered as about the best and safest promise that could be given on the subject of Religion. But special circumstances in the history of Turkey, and in particular special arrangements which she had concluded with Austria respecting certain Roman Catholic communities, appeared to the Porte to be capable of bringing a dangerous meaning to bear on the phraseology of the Note. We cannot here follow the verbal discussion which arose. But the substance of the communications respecting the Vienna Note may be very shortly stated. The language of the Turkish Government was to this effect: — 'The Note as it now stands 'seems to us to be open to certain interpretations not in-'tended by the Powers, but against which we think it 'necessary to guard more distinctly. With this view we 'propose certain alterations in the wording of the Note, and 'if these be admitted we are willing to adopt it.' To this the

first reply of the Powers was that the interpretations feared by the Porte did not appear to them to be really open on the terms of the document: that it would not justify the supposed construction; that they regretted, therefore, changes which involved the risk of re-opening the whole question when it seemed so near a settlement; that, nevertheless the Sultan had a paramount right to criticise closely the import of a document which he was himself to sign; and that as the proposed modifications were in themselves perfectly unobjectionable, and consistent with the original intentions of the friendly Powers, they would willingly urge upon the Cabinet of St. Petersburgh the acceptance of the Note in its new form. Thereupon the Government of Russia returned a reply refusing to accept the modifications proposed by the Porte and resting this refusal upon grounds, as well as expressing it in terms, which were in the highest degree objectionable and offensive. In the first place it was urged, that as the Emperor had accepted the Note without seeking to alter a single word in the form as it was proposed to him, so he had a right to expect the same acceptance, pure and simple, on the part of the Sultan. This, of course, was a gross misconstruction of the relative position of the two parties. The Sultan was the one whose interests and independence were concerned. The Emperor had nothing at stake except that mixture of obstinacy and pride which men sometimes miscall their 'honour.' Again it was a misconstruction as gross, of the position of the intervening Powers. In the Conference at Vienna they had not acted as in an arbitration, by the result of which both parties were bound literally to abide. Their part had been simply to tender good offices to each, and to suggest what they might hope, or might have reason to expect, would be accepted by both. But the refusal of the Russian Government was defended also on another ground, more objectionable still. Count Nesselrode entered on the merits of the particular alterations proposed by the Porte — criticised them in the intemperate language of wounded pride, and argued that the interpretations which the Porte sought to exclude were such as Russia would insist on attaching to the Note, and would not suffer to be specially denied.

On receipt of this answer by the Western Powers, they had but one course to pursue — that of abandoning wholly and at once the Note which they had proposed, as no longer one which they could press with honour on the adoption of the Porte.

The justice and necessity of this decision being clear, it ceased to be any longer a matter of living interest to discuss verbally the terms of a Note which had been cast away. Any defence of the original terms of that Note came to be looked upon with

suspicion, as indicating a desire to force it after all on the reluctant Turks. The vulgar notion, and the language of opposition in Parliament, therefore, came to be, that the Vienna Note was discovered at last to have offered to Russia 'all that she had 'ever asked,' or at the very least, that some decisive advantage was conceded by its terms. The necessity of its abandonment is attributed to this discovery, and much wonder has been wasted how so many eminent diplomatists could be thus deceived. But the truth is that the justice and necessity of abandoning the Vienna Note did not in the least depend on, or imply any assent to, the justice of the interpretation which was feared upon one side, and was afterwards claimed upon the other. The fact that offensive meanings have come, by the force of external circumstances, to be associated with such a document, is quite as fatal to its value, as the discovery that, in its own terms, it may really bear an interpretation which was not at first perceived. In such international transactions the circumstances under which any engagement is asked and given, are often quite as important as the mere terms of the promise itself. The language held by Russia, in refusing to the Porte the liberty of requiring modifications in the Note which the Sultan was himself to sign, implied a denial to that Sovereign of the commonest rights of an independent Crown. The effect of that language extended to the Note respecting which it was employed; and, however just or natural may have been the belief of the Powers that its original terms were in themselves honourable and safe, it is certain that from the moment of the Russian reply, the acceptance of them had practically ceased to be so. This result was announced to Lord Stratford on the 20th September.

The abandonment of the Vienna Note did not alter the facts on which it had seemed desirable to so many Cabinets, to avoid, in the interests of Turkey and of Europe, the outbreak of war. The reports forwarded to the Government by Lord Stratford, in the various consular reports respecting the state of the provinces, and the notorious inability of Turkey to sustain such a war alone, rendered it a duty not less incumbent than before to procure if possible a peaceful settlement. The Turks, however, had now so far completed their preparations that they were naturally less sensible of this necessity than before; whilst the warlike spirit and just indignation of that people, placed their Government under a pressure which it would probably have been unsafe for them to resist. Accordingly Lord Clarendon was informed by successive communications, on the 25th September and the 2nd October, that an immediate declara-

tion of war had been determined on by the Turkish Government. This resolution was come to against the advice of Lord Stratford, and against also the professed opinion of the immediate Ministry of the Sultan. But whatever might be thought of the prudence of this determination, or of the wisdom of intrusting a decision on such a matter to an assembly under the influence of Muftis and Ulemas, there could be no doubt whatever of the clear right of the Sultan to act upon it, or of the provocation and injustice by which he was driven to its adoption.

The duty of the Western Powers was therefore clear. They were not called upon, nor would they have been justified, in following implicitly in the wake of a Turkish Grand Council. Their own determination on a great question of a European war could not be guided by such a body. But, on the other hand, it was their duty to stand still closer by the side of Turkey, and to see that no fatal blow should be struck against her by Russia, as the consequence of a declaration of war, which, whether imprudent or not, was unquestionably justified.

The immediate decision of the Western Powers, therefore, was to send the combined fleets up to Constantinople if the Porte should require their presence, and this whether war should be actually declared or not. The despatch of the English Government was dated the 8th of October, and was precise in the instructions it conveyed to Lord Stratford. He was authorised to use the fleets in any way and at any place he chose 'for the defence of Turkish territory against direct 'aggression;' and it was added specifically, 'If the Russian 'fleet were to come out of Sevastopol the fleets would then, as 'a matter of course, pass through the Bosphorus'—that is, enter the Black Sea.* Short of actually joining in the resolution of the Turkish Grand Council, and making themselves principals in a contest which they were still striving to settle by mediation, it was impossible for the allied Governments at this time to have gone farther or done more.

The renewed endeavours of France and England to effect a specific settlement of the question were now mainly directed to securing the continued co-operation of the German Powers. Considering the geographical position of the provinces which were likely to become the theatre of war, this was quite as important with a view to that ultimate result, as with a view of adding weight to any new proposals in the interest of peace.

One of the risks involved in the abandonment of the Vienna Note was that of losing the concurrence of Austria in the future

* No. 133.

course of the Allied Powers. That Power had acted in the matter with entire good faith, and with a sincere desire to secure an accommodation which should be acceptable to the Porte. She conceived that the Note, originally framed in France, and modified at Vienna, settled in favour of the Porte the prominent points which had been in dispute, and involved a total retreat on the part of Russia from her first demands. It was difficult for her to appreciate the importance, as compared with the risks of war, of the new difficulties which had been raised by the subsequent correspondence. She naturally, therefore, departed with difficulty and reluctance, from the hope that that Note might still be made the basis of a possible arrangement, and that objections which, to her, seemed to have little other foundation than suspicion on one side and irritation on the other, might be removed by personal assurances of a friendly kind. Such was the nature of the hope to which Austria still clung, and which was expressed in the proposals which came from the Conferences at Olmütz in the end of September. The Western Powers, however, were compelled to dissent from these proposals; and the Turkish declaration of war, which did not actually take place until the 4th October, speedily intervened to convince the Austrian Government that neither that nor any other Note would suffice to re-establish a peace which had once been broken.

On the 22nd October the Austrian Minister communicated to Lord Clarendon a despatch from his Government, intimating that they must now wait to see how far the future course of other Powers would enable Austria to continue with them the 'common work of mediation and reconciliation,' which, it was added, she was most anxious to be able to do. The importance of securing the assent and, if possible, the co-operation of the German Powers, was not the only reason for persevering in the determination to exhaust every hope of peace. Lord Stratford, in urging on the Turkish Government arguments against the declaration of war, had not failed to point out to them the obvious fact that even the entrance of the fleets into the Black Sea could have no immediate or direct effect on a contest on the Danube.

On the 9th of November, an urgent request was addressed by Austria to the English Government, that the Four Powers should collectively demand from Turkey the conclusion of an armistice, with a view to negotiation. To this Lord Clarendon returned an immediate reply, that an armistice at that moment seemed to be favourable to Russia alone: that it could not, therefore, be demanded of the Turks; but that the Four Powers might join in a collective question to the Turkish Government

as to the specific terms on which they would be prepared to resume negotiations. On the 12th, France intimated her concurrence in this course. On the 16th, Lord Clarendon stated in detail to Lord Westmorland, for the information of the Austrian Cabinet, not only the precise form which this collective question should assume, but also a general outline of reply, specifying conditions which ought to be demanded by the Porte. On the 22nd, he received the intimation that the Austrian Government agreed to act with the Western Powers in the course proposed, both as regarded the form of question, and the suggested heads of reply.

This last assent could not be too highly valued. It went far to implicate Austria, not merely in the expression of a general desire for peace, but in agreement with the Western Powers in the conditions which Russia ought to be called upon to accept. One of these was 'that the Porte should not be required to 'accede to any demands to which she had already objected.' On the 29th, Lord Clarendon forwarded to Vienna, in concert with the French Government, the draft of a collective Note and a Protocol of Conference to be signed by the Four Powers, placing on record the general principles on which this common policy was founded. It was signed on December 4th.

It is unnecessary to point out the great importance of procuring the concurrence of Austria and Prussia to such a document as this, declaring, as it did, that 'the existence of Turkey 'in the limits assigned to her by Treaty, is one of the necessary 'conditions of the balance of power in Europe: and the under-'signed Plenipotentiaries record with satisfaction that the 'existing war cannot in any case lead to modifications in the 'territorial boundaries of the two empires, which might be 'calculated to alter the state of possession in the East, which 'has been established for a length of time, and which is equally 'necessary for the tranquillity of all the other Powers.'*

It was while the negotiations were proceeding, which were founded on the question thus addressed to the Porte, and on the answer recommended by the Powers, that that event occurred which in its necessary consequences, went far to extinguish the last hopes of peace,—we refer to the destruction of the Turkish squadron in the harbour of Sinope.

No part of the blame connected with that catastrophe can be justly thrown either on the Ambassadors at Constantinople, or on the instructions with which they had been armed by their respective Governments. As respects the instructions it is

* No. 282. Inclosure.

certain that these would have entitled the Ambassadors to use the fleets against any attack such as that made at Sinope, if they had known beforehand of its being about to be made, and of the point to which it was to be directed. 'Your 'Lordship's instructions to me,' says Lord Stratford most fairly, in a subsequent despatch* to Lord Clarendon, 'are 'positive as to the employment of Her Majesty's squadron for 'the protection of the Sultan's territory from direct aggression, 'and they are equally clear as to its passage into the Black Sea 'in the event of the Russian fleet coming out of Sevastopol.' But no such intelligence reached the Ambassadors in time, and even if it had, they might very probably have directed the movement of the combined squadrons to the European shores of Turkey in the Black Sea, which were the more immediate object of solicitude. There can be no doubt, therefore, of the conclusion to which Lord Stratford comes, that 'the blame of that dis- 'aster does not rest anywhere but on the Porte and its officers. 'They alone, or their professional counsellors, were cognisant of 'the miserable state of the land defences of Sinope. They alone 'are answerable for the obvious imprudence of leaving so long 'in helpless danger, a squadron exposed to attack from hostile 'ships of far superior force.'†

The first intelligence of the disaster at Sinope reached England on the 12th December, in a despatch from Berlin, enclosing the announcement made respecting it by Prince Menchikoff to Prince Gortchakoff. It is remarkable that that announcement put prominently forward a false statement of the facts. It asserted that the Turkish squadron had 'been pur- 'sued by a division of the Russian fleet to the harbour of 'Sinope,' implying that it had been met at sea, and asserting farther that it was 'destined to land troops at Soucoum Kalé.'

On the following day a telegraphic despatch was received from Lord Stratford, intimating that after the return of the steam frigates which had been sent to report on the facts, 'the 'two squadrons, according to all probability, would enter the 'Black Sea.' On the 17th Lord Clarendon wrote to that Minister in reply, that if the Turkish squadron had been at anchor in the harbour of Sinope, which was Turkish territory, such an act would come entirely within the instructions of the 8th October, and added, 'Whatever may have been the motive of the attack, the 'dignity of this country, and the interests of Turkey alike 'require that the most effectual means should be taken to guard 'against the recurrence of a similar disaster. We have under-

* No. 371. Pt. II. † No. 371. Pt. II.

'taken to defend the territory of the Sultan from aggression, 'and that engagement must be fulfilled.'*

On the 24th† the entire concurrence of the English Government in the course now more formally proposed by the Government of France, was intimated to Lord Cowley. That course extended the protection of the combined squadrons in the Black Sea, not merely to the territory, but specifically to the flag of Turkey, and was, in fact, the complete and exclusive possession of that sea by the Western Powers. The intimation of this course was sent to Russia on the 27th, and Count Nesselrode was informed 'that in order to prevent the recurrence of dis-'asters as that at Sinope the combined fleets will require, and if 'necessary compel, Russian ships of war to return to Sevastopol, 'or the nearest port.'

It is well worthy of remark that this step of the naval occupation of the Black Sea was taken, though with no intentional reference to the fact, during a negotiation which was still pending. Its result upon that negotiation, if it had any effect at all, is therefore a practical test of the value to be set upon the opinion of those who contend that the same step, if it had been taken earlier, would have been useful in the interests of peace. Reasoning on general principles, the Allied Powers had never thought that measures of obvious menace could have had any other effect than that of rendering it more difficult for Russia to retreat from her position, if at any time she had wished to do so. Nor was it because, but in spite of, negotiations being then on foot, that the occupation of the Black Sea was resorted to, at last. Possibly, and perhaps probably, that negotiation would have failed in any case. But it is not the less true, that the value of naval coercion to diplomatic success with Russia was practically put to trial. That trial took place, too, under very favourable circumstances. It took place when another and more immediate object than that of menace, could be truthfully stated by France and England, and when proposals of peace were about to be made with more than usual unitedness on the part of the Four Great Powers of Europe.

It was on the very day on which the announcement of the naval occupation was despatched to Russia, that Lord Clarendon heard from Constantinople that Lord Stratford‡ had succeeded in inducing the Porte once more to think of negotiation, and that on the 19th December, after a stormy debate, the Grand Council had voted in favour of a treaty on certain specified bases. This vote had been come to before the arrival of the

* No. 330. † No. 334. Pt. II. ‡ No. 350. Pt. II.

collective Note from Vienna, and the bases were founded not on the suggested reply which was to accompany that document, but on a previous 'note' drawn up by the English Government. Those bases were, however, in all respects substantially the same. On reaching Vienna, they were adopted by the Conference of the Four Powers, and its adoption of them was recorded in a second Protocol which was signed on the 13th January. Another step was thus taken towards implicating the united opinion of Europe against the conduct of Russia. 'After full 'deliberation,' the Four Powers declared their unanimous opinion 'that the conditions on which the Porte declared 'its readiness to treat for the re-establishment of peace with 'Russia were in conformity with the wishes of their Govern-'ments;' that they were 'proper for communication to the 'Cabinet of St. Petersburgh,' and 'afforded to the belligerent 'parties an opportunity for coming to an understanding in a 'suitable and honourable manner, without Europe being any 'longer grieved by the spectacle of war.'*

The proposals thus made under the sanction, and with the support, of the Four Powers, were not only set aside by the Emperor of Russia, but set aside with an ostentatious denial of the right of Europe to intervene in the negotiations between himself and the Porte. The counter-bases which Count Orloff was authorised to offer, were prefaced by this announcement:— 'The Imperial Cabinet attaches to them the essential and irre-'vocable condition that the definitive negotiation should be 'carried on directly between Russia and the Porte, either at 'head-quarters or at St. Petersburgh.' We need hardly say that even if the proposed bases had been in themselves open to no objection, the principle involved in this 'irrevocable condi-'tion' was one which above all others it was the duty of Europe to meet with an equally irrevocable refusal. Again therefore, on the 2nd February, was the united opinion of the Four Powers formally expressed in a third Protocol† condemnatory of the demands of Russia.

All hopes of successful negotiation having now ended, the final step of summoning Russia to evacuate the Principalities was taken by France and England on the 27th February: the Western Powers, in this as in all previous steps, carrying with them the approval and support of the Austrian Government. The declaration of war followed as a matter of course, at the end of March.

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* No. 403. Inclosure, Part II. † No. 32. Inclosure 1. Pt. VII.

We have now traced the history of the negotiations from their commencement to their close. That history appears to us to furnish the Governments of France and England with a defence in every point complete. If it be true, as some conclude, that Russia intended war from the beginning, the only logical conclusion is, that any earlier use of armed menace on the part of the Western Powers could have had no other effect than that of precipitating the war, before either they or Turkey were physically so well prepared, and at the risk of losing altogether the moral and material support of the rest of Europe. But simple and sufficient as this defence would be, it is not the one on which we are ourselves disposed to stand. Great events in the history of the world are very rarely determined only by causes so simple and so easily defined. In this case there is the strongest evidence in the whole course of the transaction that the Emperor of Russia has been led on, step by step, under the force of circumstances, to consequences which he did not foresee, and to measures which he did not at first intend. Of course many of the influences which bore upon his conduct most powerfully were internal,—that is to say, proper to himself, to his own character, to the position of his country, to the traditional ambition of his race. But some circumstances, also of much influence on the course of events, were external—accidental; and, amongst others, that which was the immediate occasion of the embroilment, viz. the occurrence of the dispute respecting the Holy Places. In that controversy lay all the elements of a dispute, which, in its religious bearings, is old as the division between Greek and Latin Christianity, and of which the political importance had been rapidly growing during recent centuries. Of the causes internal as regards the history and character of Russia, there were more in operation that we need enumerate. Every instinct of her ambition was wounded by the course of events respecting the Syrian Sanctuaries. The mere settlement of that dispute could not restore her equanimity, because all the circumstances attending it showed the direct and rising influence of the Western Powers over the government of the Porte. Then, that Government was believed to be the government, not merely of a declining, but of an expiring Empire. Its actual dissolution might be a little nearer, or a little more remote; but it was time to provide for Russia a stronger position against that event. Prince Menchikoff was therefore sent with a general commission to re-establish Russian influence, and, if possible, to secure for it a firmer footing on definite stipulations, and sanctions under the forms of law. But the facts of his

mission, its secrecy, and the repeated changes not merely in the form, but in the extent and scope of his demands, confirm the truth of Lord Stratford's impression at the time, that it was his object to avoid risking extreme consequences, and that the policy of Russia was her old policy, viz. that of gaining what could be gained by threats and fraud without having actual recourse to violence. But pride and obstinacy prevented an entire retreat when it came to be conducted under the fixed regard both of Europe and the East. All that we contend for on behalf of the policy of France and England is, first, that it was the policy best adapted to turn aside the current which, through so many channels, was setting irresistibly to war; and, next, that it was the policy best adapted to strengthen, in the meantime, the lines of European defence whenever diplomacy should give place to arms.

But we cannot forget that there are some who object to the policy which has been pursued on much broader grounds. They do not care to dispute that everything may have been well and wisely done to save a policy of interference from terminating in war. But they hold that that policy was wrong from the beginning; that we ought not to have interfered at all in the quarrel between Russia and Turkey, and that whatever might have been the consequences of that quarrel to the existence of the Ottoman Empire, it was no part of our duty or our policy to prevent them. We are not disposed to treat this opinion lightly because, at present, it is that of a very small minority, or because the opposite sentiment has overwhelming prevalence and power. That minority, though small, are high in ability and in character: and we suspect that any untoward event in the progress of the war, or even the burdens of its prolonged continuance, would rapidly swell their ranks. The question which they raise is not one especially affecting the conduct of any Government. It will be admitted by those who maintain this view that it could not have been taken consistently with the national feeling and opinion; and we cannot bring this article to a close without expressing our own firm conviction that it could as little have been taken consistently with national honour, with national policy, or with the safety and interests of Europe. It is perfectly true that there is no specific Article of any Treaty which binds us to the maintenance of the Ottoman Empire. But it is equally true that the duty of that maintenance, as far as it may be possible against external violence, has been long an admitted principle of policy among the European Powers. Nay more—the assertion of it is solemnly narrated in the preamble of a treaty to which England

and Russia were both parties in 1841. Even if this preamble did not exist, the virtual obligation arising from our position in Europe, and our duty of upholding the admitted principles of its public law, would have been practically binding. To have evaded it would have been injurious to our influence and derogatory to our honour; — to our influence, we mean, not in any mere selfish sense, but to that legitimate influence which is the most solemn trust of nations, and which it is the special duty of England to guard as a gift given to her for the advantage and civilisation of the world.

We cannot here adequately discuss whether the political danger to Europe which would arise from the possession of Constantinople by Russia has been exaggerated or not. The question both of duty and of policy rests in a great measure on independent grounds. But if there had ever been any doubt of the substantial truth of the traditional maxims on this subject, so long received by all European statesmen, that doubt ought to be effectually dispelled by the events of the last few months. It has been said that though the strength of Russia is great for defensive, it is small for offensive purposes. Even if this were true as regards her present extent of territory or geographical position, it does not follow that it would continue to be true if that territory were extended to the Dardanelles. But what force or truth is there in this assertion, even as matters now stand? It may be true that England and France have little to fear from any direct attacks of Russian power. But what proofs have we not seen of the tremendous pressure she exerts upon every one of the Continental States which are flanked by her vast lines of frontier. The aims and the policy of Russia in the East of Europe are directly injurious to the political and commercial interests of Germany. They have met with the condemnation of every cabinet, and excited the alarm of every people. Yet we have seen the difficulty of arousing any one of those Powers to independent and worthy action. Not only is the influence of Russia in every Court, but the fear of her is on every Government, from Stockholm to the Bosphorus. Nor is this fear without reasonable ground. Austria is exposed without a natural frontier on a very vulnerable side, and Russian armies on the borders of Gallicia might threaten her capital itself. Prussia is flanked by the army of Poland resting on the strong fortresses of the Vistula; whilst her maritime provinces are at the mercy of the fleets which issue from the Gulf of Finland. The Scandinavian nations, but for the protection of the Anglo-French squadrons, would be effectually checked by the naval force of Russia in the Baltic; and without the same intervention

her command of the Black Sea is absolute and complete. It is worse than idle to talk of a Power in such a position, and actually exercising such a sway, as weak for purposes of offence. With her own centre of Government geographically remote and comparatively inaccessible, she can cast all her strength into her extremities, and in these she holds ready-made approaches to some of the leading capitals of Continental Europe. If such is her position and her power now, what would it be if she were allowed to entail upon herself the rich inheritance of the Ottoman Porte? The inaccessibility of her northern and more barren dominions is an admitted element of her present strength. With the possession of Constantinople she would not only add to her dominion some of the richest provinces of Europe, and the absolute command of all the commerce of the Danube and the Euxine, but she would secure for these possessions an impregnability such as physical geography has never before lent to any empire in the world. How long such an empire would hold together is a question which, however interesting, is not one of any immediate bearing. If we are to speculate on some distant future, it is not probable that Russia, even in her present vast extent, will continue for ever under a single Government. But there is nothing in the countries or the peoples of European Turkey which may not for an indefinite period of time readily fall under the sway and add to the resources of a great military Empire.

And if politically the influence upon Europe of such an Empire would be dangerous and oppressive, what would be its influence on morals and religion? Other great empires have compensated mankind for many evils by the spread of noble languages or the planting of invaluable laws. But Russia,—what has she to give? The superficial civilisation which she is herself capable of receiving is borrowed from the nations which she aspires to govern, and the peoples whom she already ventures to control. The despotism of her political system is not sustained by any sentiment of intelligent loyalty; but rests rather on the superstitious subjection of the barbarous East. Her religious intolerance is unfortunately more after our old western type, yet standing in closer alliance with irresistible means of temporal oppression. Her dominion threatens at once the progress of political freedom and of religious truth with a terrible combination of the powers of Pope and Czar.

We decline to follow the arguments of Lord Grey and of Mr. Cobden in respect to the corruption of the Turkish Government, or the ultimate fate of Mussulman dominion in Europe, simply because they are wholly irrelevant to the question at

issue. There is but one relevant inference from the assertions of those speakers, even if they were all admitted, and that is the difficulties of a contest in support of Turkey. This may be and was an excellent reason for trying to avoid that contest, if the essential object could be peacefully obtained. But it is no reason for declining that contest when all other measures failed. Obligations do not cease to be obligations on account of being onerous.

We willingly admit that much that has been said on the other side has been equally irrelevant, and, for the most part, far more untrue. There may be much hope of the regeneration of Turkey, if it be not suffered to fall into the hands of Russia; we have no belief in the regeneration of the Turks. This, however, matters little. That great question, whatever may be the truth in regard to it, is one which Russia has no right to take upon herself to solve. It is the disposal of those countries—not the fate of that race or Government—that is the real object of European interest and concern. The remarkable and enduring courage which the Turks have ever shown, and which was never more remarkably displayed than at the present moment, calls for the sympathy and admiration of Europe. Under the influence of this feeling we may at moments be almost tempted to doubt the truth of conclusions which have long been firmly established in the popular mind of Christendom, and which are unconsciously betrayed even in the smooth phrases of diplomacy. Nor is it perhaps untrue that the elements of vitality may be stronger than they appear to those who judge by a standard which in some respects may not be strictly applicable. But it is impossible to mistake the permanent operation of causes which no armies can resist, and no diplomacy control. They date from a long distant past; they are tending, perhaps, to a not distant future. Their working is written as legibly on past history and on existing facts as was the handwriting of old on the Babylonian wall. Meanwhile that Empire is serving no unimportant ends. In respect to religion, equal toleration towards all Christian sects is not less valuable because it may have been founded on indiscriminate contempt. It has been the policy of Turkey during her days of power; and it may yet be established, on better principles, under the shadow of her decline. This is no small advantage. It is one which would be much endangered—sad as it may be to say so—if the Government of that country fell into some 'Christian' hands. Again, as regards civil government, the system of the Porte, bad and corrupt as it may be in many ways, has yet been found compatible with the rise of a rich and

increasing commerce. That commerce is almost exclusively in the hands of its Christian subjects. To their gradual improvement and amalgamation in the course of time, and the natural progress of events, we had looked for the peaceful solution of a question, of which the very prospect has long perplexed the world. But whether it be now precipitated in the shock of a general war, or whether it be yet allowed to work itself out, from natural causes, at least one thing, we trust, has been now secured. In either case that great problem with which so many historical interests are connected, and on which so many future interests depend, will engage the active intervention and concern of united Europe. No one Power will be allowed to steal or to force a march on the capital of the East. In war we cannot doubt that the allied forces will be able to enforce their determination against Russian aggression. In peace, Turkey has now formally demanded to be admitted within the circle of European Treaties, and to be afforded the protection of its international system. At one of the late Conferences of Vienna the Four Powers gave it as a reason for rejecting the last proposals of Russia that they were incompatible with the principle of this demand. So far, therefore, it has received their sanction. But Europe, in accepting such an obligation, will accept along with it another obligation also. For we agree with the able Minister who is the representative of England at Constantinople, that 'with a view to the condition of the non-Mussulman communities in this Empire, and the development of those resources on which the Porte's independence must ever mainly rest, it would not be safe to hedge round the Ottoman Empire with European guarantees, unless the Porte engaged at the same time to realise and extend her system of improved administration in good earnest.'*

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ART. II.—1. *An Act for the Suppression of Drinking Houses and Tippling Shops.* Passed by the Legislature of the State of Maine, June 2. 1851. Portland, U. S.: 1851.

2. *An Act to prevent the Traffic in Intoxicating Liquors.* Passed by the Legislature of New Brunswick, April 7. 1852. Fredericton: 1852.

3. *Discourse on behalf of a Law prohibiting the Liquor Traffic.* By the Rev. H. BARNES of Philadelphia. London: 1852.

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4. *The Physiology of Temperance.* By W. CARPENTER, M.D. London: 1853.
5. *Autobiography of J. B. Gough.* London: 1852.
6. *The Temperance Cyclopædia.* By the Rev. W. REID. Glasgow: 1851.
7. *Scottish Temperance Prize Tracts.* Glasgow: 1853.
8. *Temperance Hymns,* 4th edition. London: 1853.
9. *An Essay on Solomon's Use of Wine.* London: 1853.
10. *Harmony of Teetotalism with the Divine Word.* Leeds: 1853.
11. *American Prize Essay.* By the Rev. H. KITCHEL. London: 1853.
12. *Maine-Law Tracts.* London: 1853.

IT is said, that when a youthful member of Parliament scoffed at a certain popular movement as 'a mere tea-party agitation,' a veteran statesman silenced him by the retort, that 'every 'great measure for the last thirty years had been carried by 'tea-party agitation.' This dictum was, of course, exaggerated. The Reform Bill, and Catholic Emancipation, are two obvious exceptions. Yet, with all deductions, there remains enough of truth in the assertion to point the moral, which warns us against despising a storm in a tea cup.

In recognising this characteristic of our times, we are far from thinking that it reflects any discredit on the epoch to which it applies. On the contrary, it is a sure proof of advancing civilisation, when political triumphs can be won by peaceful speeches and philanthropic tracts. Such victories bespeak an age of softened manners and kindly feelings. Nor can a pervading sense of religion and morality be wanting in the community which can thus be moved by appeals addressed to its love of mercy, truth, and righteousness.

It must be owned, however, that there are certain ludicrous features connected with these amiable agitations. Platform oratory is among their necessary elements; and this, of course, involves large and repeated doses of bombastic declamation, illogical argument, and maudlin sentimentality. And if such ingredients flavour other movements which derive their force from the mild inspiration of the tea table, much more may we expect to find them in that where tea supplies the very sinews of war, and furnishes both the watchword of the camp, and the motto on the banners. It is true, that the absurdity of the advocates does not prove the absurdity of their cause. The grotesque antics of vulgar agitators could not make the crusade

against slavery contemptible, nor render free trade permanently ridiculous. Yet, even a statue of Phidias may be disguised by a drapery of motley. The best of causes may be so travestied by the imbecility of its champions as to wear for a time the colour of their livery. And the follies often perpetrated by the advocates of Temperance have been so preeminently extravagant, that we cannot wonder if they have made the name of Teatotalism almost synonymous with Monomania in the opinion of the majority of their countrymen.

These follies may be classed under two heads; first, the isolated eccentricities of individuals; and, secondly, the absurdities which occur in publications sanctioned by the whole Society. Follies of the former kind are incidental to every similar movement; it is only the latter class which can justly injure the character of the collective association.

Thus it would not be fair to charge Teatotalers, as a body, with the responsibility of endorsing the following argument, which was used upon one of their platforms to prove the pernicious character of alcohol: —

'I offered a glass of spirits to a dog (said the speaker), and he turned tail upon it — to a donkey, he curled up his lips and brayed at it — to a sow, and she grunted at it — to a horse, and he snorted at it — to a cow, and she showed her horns at it. And shall that be good for man, which beasts won't touch? which a cow horns at, a horse snorts at, a sow grunts at, a donkey brays at, and a dog turns tail at? Oh, no.'*

This was only the effusion of an individual, which must not be ascribed to the society of which he was a member. And so it would be a mistake to conclude, because a certain Teatotal champion signs himself 'yours in the bonds of total abstinence,' that therefore his brethren have abandoned the signatures of ordinary mortals.

Again, if the announcements of 'female temperance meetings' wear somewhat of a farcial appearance, still we have no right to intrude with Clodius into the secret assemblies of the sex; even though we may feel tempted to profane the mysteries, when we catch through door or window such fragments as the following:

'Temperance Sisters! now we meet
In our hallowed cause to greet
All who feel for drunken men,
All who pledge, and cry *Abstain!*

* A writer in Blackwood's Magazine for April 1853 asserts that he heard this at a Teatotal meeting.

'Temperance Sisters! onward go,
Think of myriads sunk in woe,
Be determined, ne'er refrain,
Urge the pledge, and cry *Abstain!*

'Temperance Sisters! firm unite,
Keep your armour ever bright;
Till the monster foul is slain
Urge the pledge, and cry *Abstain!*
(*Temperance Hymns*, 31.)

'Ye Sarahs, now arise;
Ye Miriams, come forth!
With Hannahs, truely wise,
Now prove your genuine worth.
No power like yours, save that above,
To teach sobriety and love.'
(*Ibid.* 38.)

It is true, that no one can be expected to maintain his gravity when he first hears at a Temperance meeting the teatotal paraphrases of popular ditties; when, for example, he recognises Moore's well-known melody disguised as follows: —

'Where is the drunkard lowly,
Condemned to chains unholy,
Who, could he burst
His chains at first,
Would pine beneath them slowly?

'What soul, when wine degrades it,
Would wait till time decayed it,
When our plighted vow
Would free it now,
And please the God who made it?
Then ere in guilt you sink
Away with maddening drink!'
(*Ibid.* 75.)

But after all, the Teatotalers are not the inventors of this fashion of divorcing airs long married to Bacchanalian verse, and wedding them anew to graver strains. In this they have only followed the example set them by Rowland Hill, and other divines of still older date.

Such casual and incidental eccentricities reflect (we repeat) no discredit on the leaders of the Temperance agitation. But they may be justly reproached, in so far as they have sanctioned the systematic use of bad arguments and uncharitable invective, in the authorised publications of their body. It is because we mourn over the national vice of intemperance, and admire the benevolence of those who are striving so earnestly to extirpate it,

that we regret they should countenance exaggerations which repel the sober-minded more than they stimulate the fanatical. It is not for the sake of diminishing their zeal, but of inducing them to crown it with discretion, that we proceed to mention instances where that quality has been wanting in their proceedings.

First, then, a reasonable advocate for abstinence from intoxicating liquors will content himself with asserting that the harm done by these agents exceeds any good which they can possibly accomplish; and, therefore, that the world would be a gainer if their use were abandoned. But very few Teatotalers are content with this rational mode of defending their position. Every species of fermented drink, every liquid containing the slightest admixture of alcohol—be it only a spoonful in a gallon—must be pronounced actual poison, on pain of excommunication. A speaker at a Temperance meeting, who should venture to express a doubt of this fundamental verity, would find as little mercy as Mr. Gorham from a synod of Tractarians, or Dr. Pusey from a convention of the Protestant Alliance. To illustrate this, we abridge from one of the organs of Teatotalism the following account of a periodical meeting held last year at Birmingham:—

'The usual festival of the Birmingham Temperance Society 'was held in the Town Hall, on Easter Monday. 600 'persons sat down to tea. Mr. A. Bird, the chairman of the 'Society, occupied the chair. After tea, the chairman proceeded 'to address the meeting; and so far forgot his position as to 'contend that *a glass of ale would do a man no harm*, and that *it 'was not poison* (*!*). He was followed by the two Messrs. 'Cadbury, who both ably refuted the strange assertions of the 'chairman. [After reporting the other proceedings of the 'meeting, the editor subjoins]: We understand that the chair-'man has since resigned his position, if not his membership, in 'the Society. Indeed, it appeared to be full time. He is either 'a very silly person, or was acting a very disgraceful part.' (*Progressionist*, No. 17.)

From this toxicological doctrine, the more strenuous Teatotalers (forgetting that all medicines are poisons) very illogically infer that alcohol can never be useful in medical treatment. Hence the abuse of the medical profession for prescribing it, is a favourite theme in their assemblies. We have ourselves heard a teatotal orator relate with approbation the conduct of a female abstainer, who, when her child was ordered port wine, during a recovery from typhus, had administered raspberry vinegar instead. 'If people can't live without alcohol,' said the enthusiastic spouter, 'why then I say, let 'em die.' It is fair,

however, to add that this latter folly is discountenanced by the more educated members of the Society.

The motive which leads Teatotalers to insist so obstinately on this doctrine of poison, is their desire to prevent even the smallest indulgence in fermented liquors. They know from experience that moderation is impossible to the drunkard; and in their anxiety to reclaim him, they would persuade the world that moderation in the use of liquor is in itself an impossibility. Thus they assert *moderate drinking* to be an expression as self-contradictory as *moderate lying* or *moderate stealing*. Indeed, the more zealous members of the sect show far greater abhorrence for moderate drinkers than for actual drunkards. The latter are represented as victims, the former as seducers; the drunkard being tempted into guilt by the example of the moderate. This is illustrated by the following comparison: —

'A father amused his children by pretending to swallow a knife, enjoining them not to repeat the operation. When he retired, one of the younger children attempted to imitate him, was injured, and died. Every one blames the father, and justly.' (*Scotch Tracts*, 8.)

Moreover, the moderate drinkers are described as so heartlessly selfish that they prefer their own sensual indulgence to the salvation of their brethren. They are introduced dramatically expressing their feelings towards their drunken fellow-creatures, as follows: —

'We pity thee, poor drunkard, and we tremble lest thy soul
Should be sacrificed and perish through the Bacchanalian bowl;
And we fain would snatch thee from the bane which would thy spirit slay,
But *e'en for thy soul's sake, we will not fling our drink away.*'
(*Ibid.* p. 7.)

If the poor *moderate* remonstrates against this hard judgment and pleads that he has been in the habit of taking a glass of ale with his dinner for the last thirty years, and that it would now be a great sacrifice to give it up, he is answered: —

'No one would feel it a great sacrifice to give up strong drink who had not acquired a *love* to the liquor. *Any one* who has got so far, is on the high road to intemperance. Reader, if this be your case, we implore you to cast the Circean cup away. Fling it from you, as you would a viper which is aiming at your life, a scorpion preparing to sting your soul.' (*Ibid.* p. 6.)

It is, indeed, high time to follow this advice, if, as we are told in another tract, 'the use of intoxicating agents *invariably* tends to engender *a burning thirst for more*.' So that —

'He who indulges in them shall do it at the peril of contracting

a passionate and rabid thirst for them, which shall ultimately overmaster the will of its victim, and drag him unresisting to his ruin. *No man* can put himself under the influence of alcoholic stimulation without incurring the risk of this result.' (*American Prize Essay*, p. 15.)

So that every man who has once swallowed a glass of wine, must 'invariably' become either an entire drunkard, or a total abstainer.*

We learn also that the most moderate of drinkers is guilty of daily idolatry. For —

'It may be said of the Christian professor who takes fermented liquor in this enlightened age, as the inspired historian says of Solomon, that *he does not fully follow the Lord* (1 Kings, 11.). For though he does not go after Ashtaroth, Chemosh, and Moloch, yet he daily sacrifices to Bacchus, the drunkard's god. And the consequence of divine anger will be as serious as it was to Solomon and his descendants, with the people over whom they reigned.' (Jer. ix. 10.)
(*Essay on Solomon's Use of Wine*, p. 15.)

The argument of this last extract can only be paralleled by that of the French drinking song which tells us that: —

'Tous les méchants sont buveurs d'eau ;
C'est bien prouvé par le déluge.'

After the above statements it will not surprise us to learn from the same writers that even the salvation of the moderate is imperilled by their tampering with the demon of drink. So the Temperance hymnist exclaims: —

'Help us to show each hidden snare,
To rescue custom's slave,
To snatch the drunkard from despair,
And *moderate drinkers* save.'
(*Hymn* 2.)

Nay, so nearly desperate is the condition of this lukewarm class, that their guilt is pronounced equal to that of the sellers of intoxicating liquors themselves: —

* The 'Temperance Advocate' (a paper published in New Brunswick) is rather more moderate: 'We admit' (says the editor) 'that there are some men *possessing master minds*, who may be able to control appetite.' (*T. A.*, Jan. 18. 1854.) This newspaper is described in the heading at the top of its columns as 'Devoted to Temperance, Virtue, Literature, and General News;' a delicious anti-climax, which is followed by the Teatotal Arms, consisting of a bottle rampant, menaced by a hammer, thus: —

'We ask you (says one of these tracts to its reader) are you a total abstainer from all strong drinks? For, until you are, you are as culpable in supporting other men in a wicked calling, as though you conducted it yourself.' (*Scotch Tracts*, 11.)

The full force of this denunciation will be better understood, when we give a specimen or two of the tremendous anathemas hurled by the Temperance press against the nefarious men who are engaged in this branch of commerce: —

'The dealer [in liquor] is a trader in tears, blood, and crime. His shop is a repository, where all the immoralities and iniquities are kept, and sold on commission from the pit. . . . . He knows that if men remain virtuous and thrifty, his craft cannot prosper. But if the *virus* of drink can only be made to work, swift desolation will come of it, and every pang will bring him pelf. Each broken heart will net him so much cash; so much from each blasted home, —so much a widow,—so much an orphan . . . . . There *are* profits, doubtless. Death finds it the most liberal purveyor for his horrid banquet; Hell from beneath is moved with delight at the fast coming profits of the trade; and the Dealer also gets gain. Death Hell, and the Dealer—beyond this partnership none are profited.' (*American Prize Essay*, 28.)

'These wretches' (says an orator at Cincinnati), 'for such they are, feel proud that they have reduced a fellow creature to the level of the brute, and stifled, perhaps for ever, each elevated sentiment of his nature. From an example so pregnant with horror, the arch-fiend himself would revolt, and hurry howling back to his native hell. . . . . If on the morrow he (the speaker) were to fall, and again become a drunken idiot, would not the public-house-keepers be rejoiced, and throw up their hats and shout, until the infernal imps in the nethermost hell would waken up, and wonder why their ancients were creating so terrific an uproar.' (*Maine Tracts*, No. 4.)

After this, we cannot wonder at the doom which is denounced in the Temperance hymn-book, against Messrs. Bass, Alsop, and their coadjutors: —

'Warn the *makers* of strong drink,
And the *sellers*, lest they sink,
With an aggravated doom,
To perdition's deepest gloom.'
(*Hymn* 153.)

It might naturally be expected that men so far gone in iniquity would not scruple at increasing their gains by adulterating their produce. Yet we should have thought they might have found a cheaper ingredient for their purpose than vitriol, which we learn with dismay that they habitually employ, according to the following statement: —

'A poor woman, having gone into a spirit shop a short time since

to buy a glass of spirits, spilt a little of it on a shoulder of mutton, which was in a basket in her hand. On reaching home, she found a black hole burnt in the meat, where the droppings of the spirit glass had fallen upon it; and thus detected the presence of *vitriol.*' (*Scotch Tracts*, 3.)

The above example of Teatotal argumentation may be regarded as simply laughable. But when the advocates of temperance, in their zeal to prove the divine right of abstinence, insist upon demonstrating their principles from Scripture, they too often become profane as well as ridiculous. We will not refer, in this connexion, to the doctrines taught by some among them concerning the marriage-feast of Cana, and the Holy Communion; but will content ourselves, as far as the New Testament is concerned, with the following specimen of their biblical interpretation. Every reader of the Epistles must remember the passage where St. Paul warns the Colossians against adopting those Jewish ordinances which forbade the 'touching, tasting, or handling' of certain kinds of food. A friend of ours once told us on his return from a Temperance meeting, that he had heard a speaker refer to this passage as prohibiting fermented liquors. 'They 'tell us,' said the orator, 'that we have no Scripture warrant for 'total abstinence. They forget St. Paul's command to the 'Colossians, *Touch not, Taste not, Handle not.* Can anything be 'plainer or more positive?' We confess we hardly believed this anecdote, but supposed that our friend must have misunderstood the speaker. To our great surprise, however, on looking over a bundle of Temperance tracts and hymns, we found the text in question actually thus applied, not once only, but frequently.*

It must be said, however, in excuse for these perversions of Scripture, that some of the silliest have been provoked by equal folly in the opponents of Teatotalism, who drag both the New Testament and the Old into the controversy, and draw from each, but especially from the latter, the most illogical conclusions. Thus some have been weak enough to argue that it must be right for a Christian to drink wine, because such was the practice of Noah, David, and Solomon. To this argument, so far as it refers to the latter monarch, one of the teatotal champions replies as follows: —

'When did Solomon take to wine of the fermented species? When did he give himself to it? When did he make the dangerous experiment of investigating the properties of alcoholic liquor by a personal use of it? Did he do this in youth, in manhood, or in old age? To this interrogative it may be replied, that it appears

* See, for example, Scotch Tracts, 9; and Hymn Book, 152.

that Solomon made the experiment in question in his advanced years, and within the last seven or eight of his reign. I acknowledge that this statement cannot be demonstrated, but there are some circumstances stated in the biographical notice of Solomon in the Old Testament, which sanction the supposition . . . . . He was an eminent naturalist, botanist, and horticulturist. He understood the nature and the peculiarities of the fruits of Palestine better than any other man. And it cannot be questioned that he obtained a *must* from that fruit which, when fermented, yielded a more delicate and superior-flavoured alcoholic wine than can be found in the cellars of Buckingham Palace or Windsor Castle. . . . . Under these circumstances, under the exciting influence of alcoholic liquors, it is probable, it is highly probable, that Solomon sanctioned the erection of the High Places for Chemosh, Ashtaroth, and Moloch; and licensed the idolatrous worship of his wives; and even out of his own purse contributed to the support of their idolatry. And under the same influence he doubtless committed all the unlawful acts that he was guilty of.'*

As a set-off against Solomon's inebriety, the same author cites an opposite precedent, no less royal and equally scriptural, in the firm abstinence of King Lemuel.

'*It is not for kings, O Lemuel, it is not for kings to drink wine, nor for princes strong drink.* These were the words of King Lemuel, the prophecy that his mother taught him. (Prov. xxxi. 1-4.) Lemuel was probably the ruler of some country near the land of Judea; who, when on a visit to Solomon, might relate the circumstance of having been brought up a Teatotaler; which interesting fact is recorded in the Book of Proverbs, and shows that many centuries ago there were other kings, as well as Solomon, who had been brought up Teatotalers, among whom Lemuel was one. Happy Lemuel! more happy in being brought up a Teatotaler than in being born heir to a kingdom.' †

Another writer goes further, and carries the war into the enemy's country, by proving from the book of Genesis (i. 29.) that it is sinful to turn a solid into a liquid.

'The process of manufacturing alcoholic drink by brewing and fermenting, not only manifests discontent with the finished dietetic arrangements of God, but it involves a direct and needless violation of the divine law. . . . . Men foolishly inquire, why God gives us the barley and the grape? For *meat*, says Scripture, not *drink*; and therefore it is solid. What a strange insanity to suppose the Creator to grow a solid which the creature must convert into fluid before it is usable.' ‡

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* Essay on Solomon's Use of Wine, p. 14.
† Ibid. p. 30.
‡ Harmony of Teatotalism with the Divine Word, p. 19.

This is surely an unfortunate argument in the mouth of a teatotaler, considering that coffee is the favourite beverage of the most orthodox abstainers. We can only hope that the writer himself has the consistency to abstain from this *fluidisation* of a natural solid; and that he either grinds the berries of Mocha between his teeth, or (which would be more strictly logical) swallows them as pills.

Such follies as these (of which we might give many more examples if it were necessary or desirable) are so generally diffused through the writings and speeches of the abstainers, that the Temperance movement is identified with them by the world at large. And probably nine people out of ten believe every teatotaler to be a fool. Yet this contemptuous conclusion is falsified by facts. Both in England and in America some of the leaders are men of great ability; and what is more, are sober-minded reasoners, who can state their views with moderation, and defend them without either eccentricity or extravagance. It is only to be lamented, that they want the moral courage to rebuke openly the indiscretion of their followers. In America the political results which they have accomplished, in shrewd and calculating New England, may be accepted as sufficient evidence of their common sense. And on that side of the Atlantic, their views are advocated by such writers as Mrs. Stowe, the authoress of Uncle Tom, and Mr. Barnes the commentator, whose works, though less celebrated than hers, have also obtained a European reputation. In England their cause is defended with considerable power of reasoning by Dr. Carpenter, a medical writer, whose professional eminence is proved by his appointment as medical examiner in the University of London.

Nor are even the public meetings of Teatotalism scenes of unmitigated folly. From water-drinkers on provincial platforms we have heard speeches full of good sense and manly English feeling. We have heard working men set forth the benefits of Temperance with rude but genuine eloquence; and have marked the effect produced upon their audience by the strong and living argument of their personal experience. 'See what it has done for 'me' was their most effectual eulogy of the system. We have convinced ourselves by a private inquiry that these speeches were not empty claptrap; but that the speakers had borne a good character for many years, and thriven by steady industry, and by a wise investment of those gains which their fellow workmen lavished in sensual indulgence. This was ascertained from the testimony of their neighbours; the evidence of one's eyes and ears gave proof enough that their water diet had not hindered the fullest development of lungs and muscle. It was impossible not to

feel that the existence of a few such sturdy and prosperous converts fully accounted for the rapid spread of *Teatotalism* among the labouring classes.

The opinions which are popularly designated by this strange term* may be summed up in two propositions; the first being that the world in general would be benefited by disuse of fermented liquors; and the second asserting that it is the duty of every individual to abstain from these stimulants. We shall endeavour to give an impartial view of the arguments for each of these propositions. The former is maintained as the necessary result of evidence which demonstrates that intoxicating drinks injure the health, exhaust the resources, and cause the crimes of the people. Let us then, in the first place, examine the sanitary portion of the question.

As to the deleterious effects of intoxication all medical authorities are agreed. And probably there are few who would deny the assertion of Sir A. Cooper, that '*spirits* and *poisons* 'are synonymous terms:' indeed, as the distilled spirits commonly drunk contain more than 50 per cent. of pure alcohol, and as a pint of alcohol is sufficient to kill a man on the spot, it seems no misnomer to call such compounds poisonous. And though other intoxicating beverages contain a much smaller proportion of alcohol (wine containing about 20 per cent., ale and cider about 7 per cent.) yet, when they are taken in sufficient quantities to produce actual intoxication, the alcoholic ingredient has obviously exercised a noxious influence on the system. Hence we should *à priori* expect that habitual drunkenness would shorten life; and this expectation is borne out by experience. Thus in the report of the chaplain to the Preston House of correction for 1847, a statement of Mr. Hayes the coroner is given to the effect that; 'excluding inquests on children and colliery accidents, 'nine tenths of the inquests he has held during the last twenty 'years have been on persons whose deaths are attributable to 'drinking.' So out of 1,500 inquests annually held in the western division of Middlesex, 900 are attributed by the coroner to hard drinking.

* The name *Teatotalism* is said to have originated in the stammering of a speaker at a Temperance meeting, who declared that, 'nothing would satisfy him but Tea-total abstinence.' The audience eagerly caught up the pun, and the name was adopted by the champions of the cause. We observe that they have now taken to spell it *Tee*-total, instead of *Tea*-total; but they had far better give up the name altogether. The pun, no doubt, is poor enough; but the new spelling makes the adoption of the term seem like absolute imbecility.

Where it fails to kill, this vice causes the most frightful diseases, especially in the nervous system, on which alcohol exerts a peculiar action. One of the most common of these, and perhaps the most terrible, is *delirium tremens*, the effects of which are described as follows by one of its victims:—

'For three days I endured more agony than pen could describe, even were it guided by the hand of a Dante. Who can tell the horrors of that horrible malady, aggravated as it is by the almost ever-abiding consciousness that it is self-sought? Hideous faces appeared on the walls, and on the ceiling, and on the floors; foul things crept along the bed-clothes, and glaring eyes peered into mine. I was at one time surrounded by millions of monstrous spiders, who crawled slowly—slowly, over every limb; whilst beaded drops of perspiration would start to my brow, and my limbs would shiver until the bed rattled again. Strange lights would dance before my eyes, and then suddenly the very blackness of darkness would appal me by its dense gloom. All at once, whilst gazing at a frightful creation of my distempered mind, I seemed struck with sudden blindness. I knew a candle was burning in the room—but I could not see it. All was so pitchy dark. I lost the sense of feeling too, for I endeavoured to grasp my arm in one hand, but consciousness was gone. I put my hand to my side, my head, but felt nothing, and still I knew my limbs and frame *were* there. And then the scene would change. I was falling—falling swiftly as an arrow far down into some terrible abyss; and so like reality was it, that as I fell I could see the rocky sides of the horrible shaft, where mocking, gibing, fiend-like forms were perched; and I could feel the air rushing past me, making my hair stream out by the force of the unwholesome blast. Then the paroxysm sometimes ceased for a few moments, and I would sink back on my pallet drenched with perspiration, utterly exhausted, and feeling a dreadful certainty of the renewal of my torments.' (*Gough's Biography*, p. 19.)

We find from tho Registrar-general's reports, that no less than 500 persons die annually of *delirium tremens* in England, and of course a far larger number are attacked by the disease. Besides this, a very great proportion of insanity is caused by drunkenness. This proportion is stated by Dr. Carpenter as being about 27 per cent. in the Edinburgh Lunatic Asylum, 25 per cent. in that of Glasgow, 17 per cent. in that of Aberdeen, 50 per cent. in that of Dublin, and 32 per cent. in nine private asylums which he mentions.* On the whole, probably one third of the insanity in the country may be set down to intemperance. Idiocy also is often due to the same agency: the children of drunkards being very frequently idiotic. Thus in a report lately

* Carpenter, p. 53.

made to the legislature of Massachusetts, it is stated that out of 300 idiots, 145 were the children of habitual drunkards.

It is needless, however, to dwell long on the proofs that intoxication injures health; a truth which is almost universally acknowledged. The controversy between the advocates of total abstinence and their opponents is on a different question; namely, whether the habitual use of alcoholic stimulants is noxious or beneficial to those who indulge moderately therein; who drink, but are not drunken. For the indictment, it is argued that an agent such as alcohol, which contains the elements of no bodily tissue or fluid, cannot benefit the healthy body. And further, that it cannot be simply harmless, because it exercises a marked chemical effect upon the components of the body. It must therefore be noxious, when the system is in its normal state; and if at any time beneficial, can be so only as a remedy for some abnormal condition. It is acknowledged that alcohol acts as a powerful stimulus upon the muscular and nervous systems, and that it thus revives the flagging powers, and enables a man, when exhausted by fatigue, to renew his exertions, and do double work. But it is contended that this temporary advantage is more than neutralised by the subsequent reaction of languor and depression which must inevitably follow. It is admitted, however, that there are special emergencies when it is worth while, for the sake of accomplishing a pressing object, to encounter this necessary result. But the habitual use of such a stimulus must (it is alleged) be ultimately injurious, unless it be needed as a corrective for some permanent disorder. 'What good,' says Dr. Carpenter, 'can arise from habitually exciting an organ 'that is already in a state of healthful activity? It would be 'as rational for a man who already sleeps soundly through the 'whole night to take an habitual narcotic.' The effect of such treatment on the digestive organs is to increase the appetite artificially, and thereby to cause the consumption of more food than the system requires. As to the result upon the nervous system, the same writer tell us that 'an habitual course of over-exertion may 'be maintained for a longer time with the assistance of alcoholic 'stimulants than without them; and thus the delusion is kept up 'that the strength is not really over-tasked; when the fact is, 'the prolongation of the term of over-exertion by the repeated 'application of the stimulus is really expending more and more 'of the powers of the nervous system and preparing for a more 'complete prostration hereafter.' The effect of alcohol in accelerating the circulation is also likely (it is argued) to produce evil effects, by occasioning a tendency to local congestions, and increasing any natural irregularity of the circulation. Moreover,

since the presence of alcohol in the blood obstructs the removal of the fatty matter, it is probable that the 'fatty degeneration' of the tissues, which causes some of the worst diseases of advanced life, is promoted by the habitual use of alcoholic liquors.

These arguments are answered by high medical authorities on the other side of the question as follows. First, they admit that fermented drinks do no good in the long run, because if by stimulation they supply any extra vigour, it is only borrowed from the future. Secondly, they allow that if the habitual use of beverages in a moderate quantity did cause an habitually recurring stimulus, it might possibly tend eventually to produce morbid action, and to develop disease. But thirdly, they deny that the daily consumption of two or three glasses of wine or ale is felt by a healthy man as any stimulus at all. No perceptible excitation is thereby produced, and no reaction follows. Hence they conclude that fermented liquors, taken constantly in small quantities, are perfectly harmless to a sound constitution. And they add that, though no benefit results from them where the system is in its normal condition, yet that where there is a weakness in the digestive organs, these beverages exert a beneficial action, by increasing the power of the stomach to appropriate the aliment needed by the body. This latter use of alcoholic stimulants is fully admitted by Dr. Carpenter, and by all other rational advocates of total abstinence, although denied by the fanatical partisans whom we have formerly quoted. Dr. Carpenter also acknowledges the medical utility of alcohol in cases of temporary shock, in the stage of convalescence from fevers, and in some other cases.

Thus it would seem, upon the whole, that the difference between physicians as to the sanitary view of the question is less than is usually supposed. All appear to agree that, on the one hand, alcoholic liquors are not needed by the healthy system*, and that, on the other, they are useful remedies in certain morbid conditions. But the teatotal doctors assert that entire abstinence from alcohol (except when medicinally employed) will make men healthier than the moderate use of it; while their opponents contend that the health of the moderate and the abstinent will, *cæteris paribus*, be equal.

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* 2000 medical men (among whom are Sir B. Brodie, Sir J. Clarke, and others of great eminence) have signed a certificate which has been published, declaring their opinion that 'total abstinence 'from intoxicating beverages would greatly conduce to the health, the 'prosperity, the morality, and the happiness of the human race.'

It is not easy to bring this dispute to the test of practical experience; for there are, as yet, no separate teatotal life insurances, nor does the Registrar-general distinguish the deaths of abstainers from those of other men. We have only seen one document which furnishes any statistical evidence bearing upon the question. This is a Government Return of the sickness and mortality of the European troops in the Madras Army for the year 1849. In this return the soldiers are classed under the three heads of *Total Abstainers*, *Temperate*, and *Intemperate*. Dr. Carpenter gives the tabular statements, which are striking. The result is, that the annual deaths of the teatotalers were in the proportion of 11 in 1000; of the Temperate, 23 in 1000; and of the Intemperate, 44 in 1000. In other words, the deaths of the *Intemperate* were four times as numerous, and the deaths of the *Temperate* were twice as numerous, as the deaths of the *Abstainers*. The teatotalers of course exult in this confirmation of their views. But it is obvious that we cannot implicitly rely on a general conclusion which rests upon so limited an induction. We must admit, however that the advantage of this debate remains, on the whole, rather with the assailants of alcohol than with its defenders. For the latter allow that a teatotaler will be not less healthy than a moderate drinker, while the former affirm that he will be far more healthy. Thus they have the same superiority over their opponents which Henri Quatre ascribed to the Catholics over the Huguenots, when the Romanist denied the salvability of the Protestant, while the Protestant admitted the salvability of the Romanist.

But whatever doubt may be entertained concerning the effect of strong drink on the physical health of the population, its noxious influence on their moral health admits of no dispute. This will be at once allowed by every one who has the slightest knowledge of the labouring classes. Yet we confess that we were not prepared to find so overwhelming a proportion of crime directly caused by intemperance; and we think the Temperance Society has done good service by the evidence which it has published on this branch of the subject. The testimonies of the Judges are strikingly unanimous and conclusive.* Thus Judge Coleridge says—'There is scarcely a crime comes before me that 'is not, directly or indirectly, caused by strong drink.' Judge Patteson observes to a grand jury—'If it were not for this drinking, 'you and I would have nothing to do.' Judge Alderson says—'Drunkenness is the most fertile cause of crime; if it were removed,

* See a paper entitled *Intemperance the Cause of Crime* in the proceedings of the Temperance Convention. London, 1846.

'this large calendar would become a very small one.' Judge Wightman says — 'I find in this, as in every calendar, one un-'failing cause of four fifths of the crimes is the sin of drunkenness.' Judge Erskine goes further, declaring (at Salisbury, in 1844) that 'ninety-nine cases out of every hundred' are from the same cause. A more recent testimony to the same effect has been invested with a mournful solemnity. It was given literally with the expiring breath of Judge Talfourd. In the charge with which he opened the last Stafford Assizes, after lamenting the unusual heaviness of the calendar, and the atrocity of the offences therein contained, he went on to say that these crimes might in most cases be traced to the vice of intemperance. He lamented the degraded state which this implied in the working classes, and spoke strongly of the duty incumbent on the higher ranks to endeavour by kindness and sympathy to wean their poorer neighbours from such sordid sensuality. He was still dwelling with great energy on this subject, when he was silenced by the stroke of death. Would that his dying words might find an echo in the hearts of his countrymen.

To these statements respecting England, may be added evidence from Scotland, which shows that its case is similar or worse. One of the Judges at the Circuit Court of Glasgow stated that out of eighty criminals sentenced to punishment, almost every one had committed his crime through the influence of intoxicating liquors. So the chaplain's report of the Glasgow prison for 1845 affirms that 'to the habit of drunkenness may be traced the offences 'of at least three fourths of those that come to prison.' The Governors of a large number of prisons both in England, Scotland, and Ireland, give similar evidence. Again, every one must have remarked that the numerous cases of woman-beating which have come before the police courts under a recent Act, are occasioned by the brutalising effect of the same agency. These conclusions are corroborated by the concurrent opinion of all the witnesses examined by the late Admiralty Committee, which was appointed to consider the propriety of diminishing the issue of spirits to the Navy. These witnesses were naval officers of various grades, not likely to be prejudiced in favour of Teatotaliam.* But they all agreed in the opinion, that a state either of actual intoxication, or of irritability arising out of half drunkenness, causes from three fourths to nine tenths of the punishments incurred on board ships of war. The Committee in consequence recommended that the allowance of spirits should be reduced one half; and Dr.

* 50 witnesses were examined, of whom 45 held various grades in the Royal Navy.

Carpenter states, on the authority of the admiral commanding the Mediterranean fleet, that since this recommendation was adopted, the number of punishments has been diminished to the extent of seventy per cent.*

Such facts as these leave no doubt that intoxicating liquors are among the most powerful incentives to crime. It may, indeed, be urged, that it is the abuse, not the use, of these stimulants which leads to such results. The crimes are committed not by temperate, but by intemperate drinkers. But it must be remembered, that amongst the labouring classes temperate indulgence is the exception. The man who spends his evening in the ale-house seldom returns from it in a state of absolute sobriety. The poor have not often sufficient self-command to take the middle path between abstinence and excess.

But there is another effect of liquor more universal, and therefore more extensively injurious in debasing the people, than even its agency in producing actual crime. The prevalent habits of drinking cause the masses to squander on a momentary sensual gratification those funds which, if wisely employed, might double their household comforts and innocent amusements, and raise them almost indefinitely in the scale of intelligence and civilisation. Mr. Porter (of the Board of Trade), in a very important paper read before the British Association for the Promotion of Science, calculates the expenditure of the working classes on spirits and malt liquor at fifty millions per annum. He shows that the average quantity of distilled spirits annually consumed by an adult male is, in England, above 2 gallons; in Ireland, $3\frac{1}{2}$ gallons; and in Scotland, no less than 11 gallons. Besides this enormous sum spent in drink, nearly eight millions are wasted on tobacco. So that the self-imposed taxation of the people, for articles either useless or harmful, exceeds the whole amount of taxes paid to the Government, and is double the interest of the national debt. There is one feature of this expenditure which peculiarly shows its brutalising tendency. It is almost entirely spent by the men on their own selfish appetites. Their wives and children have no part in the enjoyment. On the contrary, they are too often left to starve at home, and their only share of these convivial pleasures is a sound beating from their drunken lord, when he returns from the ale-house. The amount which a labouring man thus lavishes on selfish indulgence, is calculated by Mr. Porter at from one third to one half of his earnings. No other class in the community spends anything like this proportion of income on gratifications which the family cannot share with its head. When

* Carpenter, p. 37.

we realise the moral change that would follow, if the gains of labour were diverted from the pockets of the publican to those of the grocer and the butcher, the tailor and the shoemaker, the schoolmaster and the bookseller, we cannot help wishing that every working man would become a water-drinker.

But this aspiration is met by a formidable objection. The labouring man, it is said, requires the support of stimulating drink, and cannot sustain severe bodily exertion without it. To this assumption the teatotaler opposes a flat denial. He contradicts both the fact asserted, and the theory on which it rests. Theoretically he shows, by the reasons already given, that no permanent support can be derived from alcohol. And practically he undertakes to prove that, in the long run, more work can be done without strong drink than with it. On such a point, facts are the best arguments. And of facts the temperance writers have collected a formidable array, to show that the most trying kinds of labour are well performed by men who never taste fermented liquor. We will select a few specimens of this evidence. The first shall be the case of a metal worker at Birmingham, described by Dr. Carpenter as follows: —

'When visiting Messrs. Boulton and Watt's celebrated factory some years since, I was much struck by the Herculean aspect of a particular workman, who was engaged in forging the steel dies (used in coining) into the massive blocks of iron in which they are imbedded. This, I was informed, was the most laborious occupation in the whole factory, requiring a most powerful arm to wield the heavy hammer whose blows were necessary to ensure the union of the two metals; and involving also constant exposure to a very high temperature. The day was sultry and oppressive; and the additional heat of the forge was, to my own feelings, almost unbearable. But I stood awhile watching this gigantic labourer, the girth of whose chest seemed twice that of any ordinary man, whilst, naked to the waist, and with the perspiration streaming down his head and body, he dealt the rapid and skilful blows of his ponderous hammer upon the heated mass. At the first pause, I asked him (from mere curiosity, for teetotalism was then scarcely talked of) what liquor he drank; and he replied by pointing to a whole row of *ginger-beer* bottles behind him, the contents of one of which he imbibed every ten or fifteen minutes. He stated, upon further questioning, that he found it quite impossible to drink alcoholic liquors whilst at his work; their effect being to diminish his strength to such a degree as to render him unfit for it.'

This instance, though striking, is only the case of a single individual, and would not justify any general conclusion. The next is less limited in its application. It is a declaration signed by thirty-four workmen at Leeds, employed as furnace-men at foundries and gas-works, and in other laborious occupations.

'We, the undersigned, having practised the principles of total abstinence from all intoxicating liquors during periods ranging from one to ten years, and having, during that time, been engaged in very laborious occupations, voluntarily testify that we are able to perform our toil with greater ease and satisfaction to ourselves (and we believe more to the satisfaction of our employers also) than when we drank moderately of these liquors; our general health and circumstances have also been considerably improved. (*Carpenter*, p. 118.)

The next example is a return of the regular labour during a whole year of two sets of brickmakers at Uxbridge, the one set consisting of Teatotalers, the other of moderate drinkers.

'Out of upwards of 23,000,000 of bricks made in 1841, by the largest maker in the neighbourhood, the average per man made by the beer-drinkers in the season was 760,260; whilst the average for the teetotallers was 795,400—which is 35,131 in favour of the latter. The highest number made by a beer-drinker was 880,000; the highest number made by a teetotaler was 890,000—leaving 10,000 in favour of the teetotaler. The lowest number made by a beer-drinker was 659,500; the lowest number made by a teetotaler was 746,000—leaving 87,000 in favour of the teetotaler. (*Ibid.* p. 122.)

A very circumstantial account of a trial of this kind has been published by Mr. Hunt, an agriculturist in Gloucestershire; who having let eighty acres of grass to mow, harvest, and stack, to seven abstainers, records the following result:—

'The whole of the work, without the least exception, was performed more to my satisfaction than ever was the case before. During the progress of it, they gave abundant proof that they were equal to as much work as any seven men in the neighbourhood; and also to as much as they themselves had been equal to at any time whilst taking intoxicating drinks. They were not picked men; four of them about the respective ages of 55, 41, 30, and 29, having worked for me for several years; the others, aged 41, 30, and 20, having been engaged at various times in the spring, without any intention of retaining them during the summer; and that they were not of more than average strength may be inferred from the fact, that I was told before they began,—"We know very well how your experiment "will end; for there are but two men out of the seven that can do a day's "work; they will be knocked-up before they have mowed two hours." At the end of the first day's mowing it was found, however, that they had done more than any other men in the neighbourhood; and as they thus proceeded without being knocked-up, the tables were turned, and I was told then that they performed so well in consequence of their "good living." This "good living" was simply the result of the expenditure of the money-value of the cider usually allowed, upon solid food, with tea and cocoa for drink.' (*Ibid.* 120.)

The next example of Teatotal labour is of a less peaceful kind. It is furnished by the experience of our troops, who so

eminently distinguished themselves in the almost desperate defence of Jellalabad against the victorious Affghans. They endured the incessant toil and hardship of that terrible winter without any allowance of spirits, or other intoxicating liquor.

'I will not mention this last as a privation,' writes Sir Robert Sale, in his official despatch, 'because I verily believe that this circumstance and constant employment have contributed to keep them in the highest health, and the most remarkable state of discipline.' (*Ibid.*)

To Sir Robert Sale's testimony may be added that of a private of his brigade, who writes as follows:—

'From the 12th of of November to the 18th of April, our men had no liquor; they worked six hours a-day for a long time, and almost every day, besides three hours' digging trenches, building walls, &c.; add to this, being on duty six or seven nights out of eight, with short rations. With all this hardship we were very healthy, and not a non-commissioned officer was reduced during the time, nor was a man tried by court-martial. These facts are so striking, that officers and men acknowledged that we were much better off without the ration of ardent spirits than we could possibly have been with them.' (*Ibid.*)

But at any rate, urges the advocate of alcohol, if not requisite in ordinary labour, spirituous liquors are needed by those whose calling exposes them to the extremes of cold or heat. Even this concession, however, is refused by their opponents. As to the endurance of heat, indeed, few would now maintain the old notion, that brandy-punch is an indispensable specific against the lassitude caused by tropical climates. It is now generally acknowledged that the diseases of Europeans in hot countries are caused, not cured, by such indulgence. And physiological reasons would lead us to suppose that the mischief of such stimulants is increased, in proportion to the elevation of the temperature. The assumption that they are useful in extreme cold is more plausible. The alcoholic stimulus does unquestionably, for the moment, increase the warmth of the body. Yet this temporary accession of heat is followed by a reaction, so that it is ineffectual when continued cold must be endured. The true method prescribed by animal chemistry for enabling the system to support excessive cold, is an oleaginous diet. And this, with hot drinks, such as tea and coffee, is found in practice more efficient in sustaining bodily warmth than any amount of alcohol. Thus Dr. Carpenter informs us, that

'The Rev. Richard Knill, for many years a Missionary at St. Petersburg, stated in a public meeting, in regard to the delusion which prompted people to use ardent spirits "to keep out the cold,"

that the Russians had long since found out the injurious effects of taking them in very cold weather. When a regiment was about to march, orders were issued over-night that no spirits were to be taken on the following morning; and to ascertain as far as possible that the order had been complied with, it was the practice of their corporals carefully to smell the breath of every man when assembled in the morning before marching, and those who were found to have taken spirits were forthwith ordered out of the ranks, and prevented from marching on that day; it having been found that such men were peculiarly subject to be frost-bitten and otherwise injured.—Every soldier in the Russian service, it may be remarked, has an allowance of *oil* as part of his regular rations; experience having shown its value as a constant supporter of heat.'

In the mercantile navy, also, the rule of abstinence from spirituous drinks is gradually superseding the ancient dispensation of grog. In the American trading vessels this reform is almost universal. The following statement on this subject was made to the Admiralty Committee before-mentioned, by the captain of an American liner.

'For the last twelve years I have sailed on the strict principle of temperance, and have found it work well, and no complaint among the men; they were always ready to do their duty, and do it cheerfully, which I did not always find to be the case when spirits were allowed them. The American merchant-ships nearly all sail upon the temperance principle. Even in our whaling-ships, of which there are nearly 700 vessels, there is not one in twenty in which spirits are allowed.'*

It was the unanimous opinion of the witnesses examined by the above-named committee, that the moral disadvantages of the spirit ration were not compensated by any physical benefit. It should also be observed, that in the case of sailors, abstinence from spirits is equivalent to abstinence from all fermented liquor; for no other alcoholic drink is substituted, when the spirit ration is discontinued. Dr. Carpenter remarks with justice, that the seaman is, above all other classes of men, exposed to extreme and rapid vicissitudes of temperature, which are more trying to health than the lengthened continuance either of heat or cold. In the course of a single voyage, he is often doomed, like Milton's lost angels,

> 'To feel by turns the bitter change
> Of fierce extremes, extremes by change more fierce.'

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* Dr. Carpenter states that in the Arctic Expeditions lately sent out by the British Government, no alcoholic liquors have been supplied to the crew. This, however, is a mistake. We have ascertained that the ships forming these expeditions have been supplied with rum as usual, so as to allow their crews the authorised quantity of half-a-gill per man daily.

If, then, he can work better, and live healthier, without than with intoxicating stimulants, it is difficult to avoid the conclusion that these are of no advantage in enabling the body to withstand the effects of climate.

But while the Teatotalers are thus triumphantly refuting the physical objections to their system, they are encountered by a more formidable class of adversaries, who assail them with charges of heresy and irreligion. They are accused of substituting Abstinence for Christianity, and of preaching Temperance in opposition to the Gospel. They reply that, in some cases, temperance must precede religion; because the man who is never sober, neither will nor can listen to religious teaching. He must cease to be a brute, before he can learn to be a Christian. They assert, moreover, that these charges against them are mere hypocritical pretexts, brought forward by those who seek an excuse for self-indulgence, and oftener prompted by love of rum than of religion. In this retort there may be a certain amount of truth. But it cannot be denied that some Teatotalers have committed grave mistakes, (to call them by no harsher name) which have laid them open to these accusations of impiety. One or two of their hymns, for example, are parodies on those used in religious worship, and transfer the adoration from its original object to the idol of 'Temperance.'* And still more offensive has been the conduct of certain advocates of their cause, who have even objected to receive the wine in the Holy Communion; an example of superstitious formalism which it would be difficult to parallel. It has also been with justice remarked, that too many of the reformed drunkards who speak at Temperance meetings, far from expressing the slightest penitence for their past iniquities, seem to glory in the narrative of their shame. But the more judicious advocates of the system justly aver that they are not responsible for these and such like extravagances. And they point to the unquestionable fact, that their more conspicuous leaders are distinguished by the truest piety; and that it is the earnestness of their religious zeal which has led them to take so prominent a part in a movement, which they believe calculated to promote the happiness and virtue of their brethren.

But their most effectual mode of answering all such imputations, is to point to specific instances where their efforts have reclaimed the outcasts of society, and turned the hearts of the

* As an example, it may suffice to mention hymn 149:—

'Rise and shine through every nation,
O thou Temperance star divine.'

disobedient to the wisdom of the just. Particulars of many such cases have been published; but we have seen none more striking than that detailed in the autobiography of John Gough, who is now the most popular advocate of total abstinence in America. We refer to this the rather because it refutes the statement that all drunkards reclaimed by Teatotalism make their former iniquities a subject of boasting instead of shame. No one can read the narrative of which we speak, without feeling that its writer is far from this fault. It is true that in him it would have been peculiarly inexcusable, since his errors were unusually aggravated by the careful education he had received from religious parents. Mr. Gough, though an American by adoption, is an Englishman by birth. His father was a private soldier, who served in the Peninsular war; his mother was the village school-mistress at Sandgate on the coast of Kent. She was a pious woman, attached to the Methodist persuasion; and her position enabled her to give more attention to the early teaching of her child than can generally be done by persons in her circumstances. Her boy's progress in learning repaid her efforts; but he was weakly in constitution, and unfitted by an accidental injury for agricultural labour. So that when he was twelve years old, his father, seeing the difficulty of providing for him in England, made an agreement with some neighbours who were emigrating to America, by which they undertook to take him with them, teach him a trade, and maintain him till he should attain the age of twenty-one. He thus describes the parting scene: —

'The evening I was about to depart, a neighbour invited me to take tea at his house, which I did. My mother remarked to me afterwards, "I wish you had taken tea with your mother, John;" and this little circumstance was a source of much pain to me in after years. The parting with my beloved parents was bitter. My poor mother folded me to her bosom, then she would hold me off at arm's length, and gaze fondly on my face, through her tearful eyes, reading, as only a mother could, the book of futurity for me. She hung up, on the accustomed peg, my old cap and jacket and my school-bag, and there they remained until, years after, she quitted the house. At length the parting words were spoken, and I quitted the home of my childhood, perhaps for ever.

'As I passed through the streets, many a kind hand waved a farewell, and not a few familiar voices sounded out a hearty "God bless you." One old dame, of whom I had frequently bought sweetmeats at her green grocery, called me into her shop, and loaded me with good wishes, bull's eyes, cakes and candies, although, poor affectionate soul, she could ill afford it. I mounted the roof of the London night coach, and was quitting the village, when, on turning round to take a last look at it, I saw a crouching female form, by a low wall, near the bathing-machines. My heart told me at once that it was my mother,

who had taken advantage of half an hour's delay at the inn door, to proceed a little distance, in order to have one more glance at her departing child. I never felt I was loved so much as I did from that time.'

The emigrants sailed from London, and it happened that, after their ship passed Dover, it fell a dead calm, and she was obliged to anchor off Sandgate, our hero's native place.

'I afforded some amusement to those around me, by the eagerness with which I seized a telescope, and the certainty with which I averred that I saw my old home. During that day, boat after boat came off to us from the shore, and friends of the family I was with paid them visits; but I was unnoticed — *my* relatives did not come. After long and wearily watching, I at last saw a man standing up in a boat, with a white band round his hat. "That's him! that's my "father!" I shouted. He soon got on deck, and almost smothered me with his kisses, from which I somewhat shrank, as his beard made very decided impressions on my smooth skin. I heard that my mother and sister (it being Sunday) had gone to a place of worship, at some distance from Sandgate, which I regretted much. When evening came on, our visitors from the shore repaired to their boats, which, when a few yards from the ship, formed in a half circle, and we sang a parting hymn. Boat after boat then vanished in the gloomy distance, and I went to my bed. About midnight, I heard my name called, and going on deck, I there found my beloved mother and sister, who, hearing on their return home that I was in the offing, had paid half-a-guinea (money hardly earned but cheerfully expended) to a boatman, to row them to the ship. They spent an hour (O, how short it seemed!) with me, and then departed with many tears. Having strained my eyes until their boat was no longer discernible, I went back to my bed, to sob away the rest of the morning.

'As we voyaged on, I soon began to feel a difference in my new situation; and often did I bitterly contrast the treatment I received with that to which I had been accustomed at home. I wished myself back again; but the die was cast. Occasionally, on looking over my little stock of worldly goods, I would find little billets or papers, containing texts of Scripture, pinned to the different articles. In my Bible, texts of Scripture were marked for me to commit to memory. Fifty-four days from the time of sailing we arrived off Sandy Hook, and, O how I longed, as we sailed up the Narrows, to be on deck, and survey the scenery of the New World! I was not permitted to do this; for, whilst I could hear the shouts of delighted surprise which burst from the lips of the passengers who crowded the vessel's sides, I was confined below, occupied in blacking the boots and shoes of the family, that they might be landed in good order.'

The emigrants landed at New York, where, after a few years, Gough set up for himself as a journeyman bookbinder, and was soon earning money enough to invite his parents to join him in the New World. His mother and sister came, and the trio lived

happily together for some time, till the home circle was broken up by the mother's death. Up to this time Gough had gone on steadily, and maintained an excellent character. But now a lamentable change came over him. He fell into low theatrical company, whom he pleased by his lively and sociable qualities, and his musical talents. At length he became a singer of comic songs, and an actor of farces, at second-rate theatres. The dissipated companions among whom he was thrown, tempted him to indulge in every kind of excess. Habits of intemperance rapidly gained upon him. He became a confirmed dram-drinker; and at length was never happy unless a bottle of spirits was within reach of his hand. Of course, he soon lost employment and friends, and was at length reduced to the extremity of distress.

'At length nothing remained on which I could raise a single cent, and I found, in the lowest depths of poverty, a lower still.

'I have in several parts of this narrative referred to my vocal talents and my ventriloquial acquirements. After every other resource had failed me in my utmost need, I was compelled, as the only means of getting a little rum, to avail myself of these aids. Accordingly, my custom was to repair to the lowest grog-shops, and there I might usually be found, night after night, telling facetious stories, singing comic songs, or turning books upside down and reading them whilst they were moving round, to the great delight and wonder of a set of loafers who supplied me with drink in return.'

Finally his wife and child were taken ill and died after a short sickness, aggravated by the want of all those comforts which the husband and father ought to have provided.

'Then came the terrible feeling that I was utterly alone in the world. I drank now to dispel my gloom, or drown it in the maddening cup. And soon it was whispered from one to another, till the whole town became aware of it, that my wife and child were lying dead, and that I was drunk. Yet if ever I was cursed with the faculty of thought in all its intensity, it was then. During the miserable hours of darkness, I would steal from my lonely bed to the place where my dead wife and child lay, and in agony of soul pass my shaking hand over their cold faces; and then return to my bed, after a draught of rum, which I had hidden under my pillow. Many a time did I wish to die. My frame was enervated, my reputation gone, and all my prospects blighted. After the funerals of my wife and child, I knew not what course to pursue; for wherever I went I failed not to see the finger of scorn pointed at me, and I writhed in agony under a sense of my shame.'

To add to his other miseries, he was now a victim of *delirium tremens*, and we have before cited the vivid description which he gives of his sufferings in that hideous disease. He began to

despair, and was several times on the verge of suicide. But in this crisis of his fate, he fell in with some benevolent Teatotalers, who persuaded him to sign their pledge, and encouraged him by kindness and sympathy, at a time when all the world besides gave him nothing but frowns or scoffs. This was the turning point in his destiny. By a violent effort he broke the chains which so long had bound him. By persevering in sobriety, he was gradually restored to the health and reputation which he had forfeited. After a time he gained celebrity by speaking at Temperance meetings; for he possesses real eloquence, although it is sometimes disfigured by the bombastic taste of his adopted country. Finally he was appointed by the Temperance Society to be a travelling lecturer in their cause; and in that capacity he spent last year in England.

No one can wonder if men circumstanced like Mr. Gough, who have been rescued from the lowest depth of misery and degradation by the pledge of abstinence, should attach an exaggerated importance to the instrumentality by which their deliverance was accomplished. It is natural that, in their enthusiasm, they should think the medicine which healed them the only cure for human ills. Hence we can easily understand the zeal wherewith they maintain the second article of the Teatotal creed; the doctrine that every individual is bound to abstain absolutely from all fermented liquors; or, in other words, that the most moderate drinker is violating a moral duty. To defend this tenet, they cite facts to show that drunkards cannot be reclaimed by anything short of total abstinence; that the only cure for the habit of intemperance is the entire removal of the temptation. They infer that, for the hope of turning drunkards into abstainers, every temperate man is bound to drink no more. The 'moderate' might reply by admitting their premise, and denying their conclusion. He might allege that the disease of the drunkard required a remedy not needed by the temperate. He might argue that temperance is more virtuous then abstinence, and that he was setting an example of using pleasure without abusing it. Moreover he might pledge himself to become a total abstainer, if ever he should fall into intoxication; and would still be quite consistent in urging a drunkard to adopt total abstinence without delay. The Teatotalers, however, assert that such exhortations would gain no converts; and that the only way to induce a drunkard to renounce his liquor is to set him the example of renunciation. This is obviously an *ex-parte* statement; yet considering the horrible and wide-spread misery caused by intoxication, and the blessedness of saving even a single victim

from the curse, we cannot deny that there is considerable force in the following appeal.

'There is no case in which the superiority of example over mere precept is more decided and more obvious. "I practise total absti- "nence myself," is found to be worth a thousand exhortations; and the lamentable failure of the advocates who cannot employ this inducement, should lead all those whose position calls upon them to exert their influence, to a serious consideration of the claims which their duty to society should set up, in opposition to their individual feelings of taste or comfort. There is surely no case that more imperatively demands the exercise of that Christian self-denial which was practised and enjoyed by the Apostle Paul; who felt himself called upon to abstain from every indulgence, however innocent in itself, which could endanger a brother's soul. For though he regarded flesh and wine as "good creatures of God," yet he nobly lays down as his own rule — "*If meat make my brother to offend, I will eat no meat while* "*the world standeth, lest I make my brother to offend.*" And this same rule he urges upon the individual members of the churches he addressed. "*Take heed,*" he says to the Corinthians, "lest by any "means your liberty become *a stumbling-block to those who are weak.*" In a like spirit he enjoins the Romans "*not to put a stumbling-block,* "*or an occasion of falling, in a brother's way;*" and he gives to this general precept the following special application: — "*It is good* "*neither to eat flesh, nor to drink wine, nor anything whereby thy* "*brother stumbleth, or is offended, or is made weak.*"

'Surely there *never* was a case to which these warnings had a more special or pointed application, than they have to the use of alcoholic beverages, as ordinarily practised in this country; for these, even if they could be proved to exert no prejudicial influence on such as employ them in "moderation," must be admitted to become most fatal stumbling-blocks to myriads, with whom "moderation" in their use is practically impossible.' (*Carpenter*, p. 4.)

But whatever difference of opinion there may be as to the moral obligation of total abstinence, every one must rejoice in the diminution of intemperance which it has effected. Its advocates inform us that there are more than three millions of pledged abstainers in Great Britain and Ireland.* And although the 'Temperance Chronicle' states that fifty in every hundred break their pledge, yet if only a million and a half remain steady to their resolution, the mass of crime and pauperism is perceptibly reduced. To prove that this reformation is not imaginary, they cite the diminished consumption of spirituous liquors, as proved by the excise returns. The amount sold is now less (by above a million of gallons) than it was in 1836; whereas if the consumption had kept place with the increase of population, it should be

* Scotch Prize Tracts, 8. p. 3.

several million gallons more than in 1836.* This improvement, however, may in part be ascribed to the increase of education among the poor. Just as the same cause has produced so enormous a change in the habits of the rich, since the days of Squire Western, when three gentlemen out of four went to bed oftener drunk than sober. Yet no doubt there is action and reaction in this matter. If you can make men less brutal, they will cease to get drunk; but, on the other hand, so long as they persist in getting drunk, they will keep themselves brutal.

But while Teatotalers exultingly refer the improvement (unhappily but slight) in the morals of the poor, to the signature of their pledge, the achievement on which they most justly pride themselves, is their suppression of the liquor traffic in America. The laws which they proposed for this purpose, form a new epoch in the history of their cause. For it is only very recently that the Temperance movement has assumed a political character; and since its leaders have adopted this change of tactics they have met with a success which is truly marvellous. For some years † they confined themselves to exhortations against drink, and persuasions to sobriety, without producing any very sensible effect. At last they resolved on bolder measures; and put forward a definite political object as the end at which they

* This diminution in the consumption of spirits has been much exaggerated by the advocates of Temperance. We have ascertained from the Parliamentary Returns that the amount of spirits of all kinds (Imported and Home Made) on which duty was paid in the United Kingdom was 30,164,641 gallons in 1853, and 31,402,417 in 1836. On the other hand, the consumption of malt liquors has rather increased; for the malt made in 1853 was 5,254,968 quarters, and in 1836 was 4,279,468 quarters. We regret also to find (from a Return dated 28th March 1854) that the consumption of spirits has steadily increased, during the last three years, both in Great Britain and in Ireland. The most striking and sudden diminution was that produced by Father Matthew's preaching in Ireland; where the consumption of spirits fell from twelve millions in 1834, to six millions in 1841. This effect, however, has not been altogether permanent; for in 1853, the consumption had risen to two-thirds of what it was in 1834.

† The first Temperance society was founded in America (at Boston) in 1826; but its members were only pledged to abstain from *spirits;* and even spirits were allowed on the American festival of July 4th. Total abstinence originated in England in 1832 (at Preston), but was soon adopted as the rule of the American Societies. In 1838, laws were passed by Massachusetts and some other States, restricting the retail trade in spirits. But the agitation for the entire suppression of liquor shops did not begin till 1841.

aimed. This was nothing less than the legal prohibition of the sale of intoxicating drinks, including the entire suppression of alehouses and liquor shops. It was at first believed that nothing short of a Quixotical delusion could give them the hope of gaining what they sought. But the result has proved their policy no less wise than bold. In little more than ten years, the legislation which they demanded had already been adopted by three American States, and (under a modified form) by a neighbouring British Colony.

The first legislative body which ratified their demands was that of Maine, the northernmost of the New England States. In June 1851, it passed an Act 'for the suppression of drinking 'houses and tippling shops,' of which the following are the chief provisions:—(1.) The manufacturing, selling, and furnishing of intoxicating liquors is prohibited; except for sacramental, medicinal, chemical, and mechanical purposes. (2). The alcoholic liquors required for the above purpose may only be sold by one agent (who must not be the keeper of a house of entertainment) in each town. This agent is to be appointed (with a fixed salary) by certain municipal authorities, and to hand over the profits of the sale to the municipality. (3.) Fines are imposed for every illegal sale of intoxicating drinks, with imprisonment for the third offence. (4.) Liquors kept for sale may be seized and destroyed. (5). Premises where such liquors are suspected to be concealed, may be searched. (6). Drunkards are to be arrested, and kept in custody, till they disclose the place where they obtained the liquor. Thus the only legal way in which an inhabitant of Maine can procure fermented drink, is by importing it wholesale, or by making it at home. The use of home-brewed liquors is not prohibited.

Laws substantially identical with this have been since passed by the States of Vermont, Rhode Island, Massachusetts, and Michigan, and by the Territory of Minnesota. And the proposal for similar legislation is now the leading question at issue in the elections for New York and Pennsylvania, and the other States of New England. In March last, the Maine Law was passed by the legislative body of New York, and only thrown out by the veto of the Governor. An Act carrying out the same policy, in a less stringent way, has been also passed by the adjacent English Colony of New Brunswick, and received the assent of the Crown in 1852. It differs from the Maine Law, in still permitting the sale of malt liquors and cyder. A prohibitory law of the same kind was recently rejected by a bare majority in the Canadian legislature. In addition to those named above, the American States of Illinois and Ohio have forbidden all sale

of liquors 'to be drunk on the premises;' and Iowa has prohibited the sale by the glass or dram.

The first impression on English politicians, when they hear the doings of these transatlantic lawgivers, must be a kind of incredulous astonishment. The notion of imposing new restrictions upon trade seems so alien to the ideas of our epoch, that we are inclined to treat it as something absolutely Utopian. It will therefore be neither useless nor uninteresting to state the arguments which have persuaded so many republican commonwealths to renounce the glorious right of intoxication; and that, too, in the mother land of mint julep and sherry cobbler.

Unquestionably the first instinct of an Anglo-Saxon, both in New England and in Old, is to resist any extraneous power, whether calling itself King or Kaiser, Pope or People, which attempts to interfere with his concerns, or to forbid his coming and going, buying and selling as he will. The advocates of these prohibitory laws were therefore assailed at once with the cry, 'What has the State to do with our private pleasures? We 'are free Americans, and no one shall hinder us from dealing 'and drinking as we please.' To meet this clamour, they were forced to revert to the first principles of political philosophy. They were required to prove that the natural liberty of man is necessarily limited by his social condition; and that society imposes such limitations, either to protect itself against evil, or to farther the ends for which it exists. As to the particular subject-matter of the present discussion,—the right, namely, of buying and selling,—the State should (they allowed) leave it free and unrestricted, whensoever that is possible; and most States have interfered with it more than was either necessary or desirable. But still there are certain cases where all civilised States must limit it by legislation. The State may thus interfere with commerce, either to raise a revenue or to avert a danger. Examples of the first case are the fetters imposed on trade by customs and excise; of the second, the restrictions on the sale of gunpowder, and the laws which prevent unqualified persons from exercising the business of a medical practitioner. The regulations to which the vintner and tavern-keeper are subjected by the licence system, stand on both these grounds; being enforced partly for purposes of revenue, partly to guard against disorder. And it is especially absurd to protest against the right of the State to interfere with this particular branch of trade, as if such interference were a novelty. For the law, as it stands at present, not only interferes therewith, by duties on the importation of wines and spirits, by excise regulations, and by various enactments concerning the retail business, but it absolutely

prohibits this traffic to all but a selected few among its citizens, specially licensed for the purpose. Is it not absurd, then, to demand that dram shops, created by the law, should be exempt from legislation?

But farther, there are some trades to which the State applies not restriction merely, but prohibition. Thus the business of coining money is utterly suppressed by the laws of all civilised States; thus the opening of lotteries is a commercial speculation forbidden by the law of England. If it be asked on what grounds the State is justified in annihilating these branches of industry, it must be answered, as before, that society may put down what is dangerous to itself; *salus populi suprema lex.* Any trade, employment, or use of property, detrimental to the life, health, or order of the people, is by English law a *public nuisance.* And in suppressing it the State assumes the right of sacrificing private interests to the public good. And this, not only when the detriment is physical or economical, but also when it is moral. Thus, unwholesome graveyards are shut up, and noisome vitriol works pulled down, for their physical noxiousness; private coining is made illegal for economical reasons; slave-trading, lotteries, cock-pits, bear-gardens, gambling-houses *, brothels, and obscene print-shops, are prohibited on moral grounds. Now the liquor traffic, and particularly the retail branch of it, is a public nuisance in all three respects; both physically, economically, and morally. By its physical consequences it causes death to thousands; reduces thousands more to madness or idiocy; and afflicts myriads with diseases involving the most wretched forms of bodily and mental torture. Considered in its economical results, it impairs the national resources by destroying a large amount of corn, which is annually distilled into spirits †; and it indirectly causes three

* The Attorney-general, on proposing in the House of Commons, (March 23. 1854) the new measure for the suppression of private gambling houses, (which renders it penal even to *delay* the entrance of the police into a suspected house) gave the following reason for the measure: —"Every day brought to light some fresh instance of young 'men of hope and promise being led into these establishments, and in-'veigled into play, by which they were made the dupes of designing 'persons, their fortunes injured or ruined, and their prospects in life 'seriously damaged.' If such severe enactments are justifiable, to save the rich and educated from temptation, it is hard to say, why the poor and ignorant should not be shielded from similar danger by similar protection.

† Paley expresses (in his Moral Philosophy) an opinion that this distillation of corn is criminal; because it is a wanton destruction of

fourths of the taxation required by pauperism, and by criminal prosecutions, and prison expenses; and farther, it diminishes the effective industry of the working classes, thereby lessening the amount of national production. Thirdly, viewed in its moral operation, it is the cause (as we have previously shown) of two thirds of the crime committed; it lowers the intelligence, and hinders the civilisation of the people; and it leads the men to ill-treat and starve their families, and sacrifice domestic comfort to riotous debauchery.

On the above grounds, it is contended that the State ought no longer to content itself with restricting this traffic, but ought to suppress it; for public nuisances should not be regulated, but removed. And it is predicted that, as civilisation advances, this will share the fate of some other moral nuisances (such as lotteries and bear-gardens), which were formerly tolerated, or even encouraged, but which are now prohibited by law.

In spite of these arguments, the most formidable outcry was raised against the measure demanded by the Teatotalers. It was stigmatised as a sumptuary law, interfering in a man's household concerns; although, in fact, it left men free to drink what they pleased, and only forbade them to sell their drink. It was urged also that persuasion, not legislation, was the proper cure for moral evils; to which the other side rejoined that persuasion had not been relied on for the suppression of the slave trade. It was also alleged that such prohibitory laws were 'unconsti-'tutional.' This question, however, was settled by the Supreme Court of the United States, which has the power of disallowing laws passed by any of the States which it may judge contrary to the general principles of the constitution. To this court an appeal was made against an Act passed by Massachusetts to prohibit the retail of spirits; when the court decided that such enactments were perfectly constitutional.* But perhaps the objection most formidable to the mind of New Englanders, was the financial argument. What is to become of the revenue, if we cut off its most fruitful branch? It was answered, that the loss caused by the proposed law would be more than repaid by

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that which God designed for the sustentation of human life; on the same ground that it would be wrong for the owner of a wheat-field to set it on fire for his amusement. It is calculated that the grain annually consumed in Great Britain and Ireland for distillation and malting amounts to six million quarters, and would feed five million people. The greater part of the nutriment contained in this quantity is entirely lost.

* See 5 Howard's Reports of Cases in the Supreme Court U. S., pp. 504—633.

the saving effected through its operations; for that the expenses incurrred in maintaining paupers pauperised by intemperance, and criminals created by intoxication, exceeded the revenue derived by the American States from the duties on liquor. So that the Government, in maintaining the traffic, was penny wise and pound foolish.

The contest lasted about ten years from its commencement, till the champions of temperance gained their first signal victory in the passing of the Maine Act. We have seen how rapidly that success has been followed by similar triumphs in the adjacent States. The time which has elapsed since the adoption of this policy is not sufficient to enable us to judge of its success. But the evidence of experience seems, so far as it goes, to be in favour of the new legislation, at least in the State of Maine. The violent reaction which was predicted has certainly not yet occurred. On the contrary, the elections which took place after the law had been for a year in operation, resulted in an increased majority for its maintenance. And the legislature again elected in 1853, has confirmed the law by additional provisions. Moreover, its continued popularity appears proved by the fact that the neighbouring States have, one after another, adopted it into their code.

The statements published concerning the moral improvement consequent upon the passing of the measure, must be received with caution, as they proceed from its warm supporters. The mayor of Portland (the capital of Maine) asserts that the number of persons imprisoned has diminished fifty per cent., and that pauperism is already considerably reduced. We learn also that in the winter half year before the passing of the Act, there were arrested for riotous conduct in the streets of Portland 332 persons; and in the corresponding half year after the passing of the Act, only 152 persons. We are also told that a new jail and almshouse were about to be built at the same town before the Act, which now, being no longer wanted, have been countermanded.

On the other hand, it is alleged that the new law is so much evaded as to be practically inoperative. This allegation, however, applies principally to New Brunswick. And the Teatotalers urge, with some show of reason, that the lukewarm character of the law passed by that colony, (which, it will be remembered, forbids the sale only of wine and spirits,) offers great facilities to evasion; for a publican may easily give his customer a tumbler of grog under the name of porter. The Maine Law must, at least, have suppressed all public tippling houses; although probably, those who are so inclined may obtain a private and surreptitious

glass of gin from some illicit store. We imagine that the chief object of the promoters of the measure was to remove temptation from the poor. And if this has been done, it matters little that those who are determined to drink can gratify their propensity in secret.*

The political success of their brethren in America has led the British Teatotalers to imitate their tactics. For declamations on the sinfulness of alcohol, and the immorality of moderation, they have substituted an organised agitation for the suppression of the liquor traffic. '*Guerre aux châteaux, Paix aux chaumières*'—Peace to the home-brewed, and war to the gin-palace—is now their motto. A new bond of union has therefore been established, of a much more comprehensive nature than their ancient creed. Those who join their banner will be no longer required to forswear temperate indulgence, or to take the vow of water-worship. It is obvious that much of the folly which has hitherto cast ridicule on their cause, will be eliminated by this change of policy. Last year a society was established calling itself 'the Alliance for the Suppression of Traffic in Intoxicating Liquors';† and this has been already joined by many who have never signed the pledge of total abstinence. The practical object at present contemplated is to abolish the retail trade in spirits; but the Society makes no secret of its hopes ultimately to incorporate all the prohibitions of the Maine Law into the British statute-book.

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* We have lately seen a private letter from America, which states that, since the passing of the Maine Act, little china receptacles for spirits are manufactured at Portland in the shape of books, and lettered on the back Prayer-book or Holy Scriptures. The writer adds, however, that he has not himself seen these bottles.

† This is hailed by the following characteristic letter from the apostle of Irish Temperance, Father Matthew:—

'My Dear Friend,

'With rapture I hail the formation of the "United "Kingdom Alliance for the Suppression of the Traffic in all Intoxi-"cating Liquors."

'I laboured for the suppression of Intemperance, until I sacrificed my health and little property in the glorious cause. My labours, with the Divine aid, were attended with partial success. The efforts of individuals, however zealous, were not equal to the mighty task. The United Kingdom Alliance strikes at the very root of the evil. I trust in God, the associated efforts of so many good and benevolent men will effectually crush a monster gorged with human gore.

'My dear Sir, I have the honour to be your devoted Friend,

'Theobald Matthew.

'To the Hon. Sec. of the United Kingdom Alliance.'

Few disinterested persons would deny, in face of the evidence which we have adduced, that the peaceable accomplishment of such a revolution would be a blessing to the country. Yet we must remember that the enormous revenue derived by the State from intoxicating liquors cannot be suddenly abandoned by this country, as it can by the small and unburdened commonwealths of the American Federation. It is most true that money ought not to be weighed for one moment against morality. But nevertheless, the proposal to subtract fifteen millions * from the budget would, we fear, render our Chancellors of the Exchequer exceedingly slow to perceive the force of moral evidence. More especially as the compensation for this loss of revenue, which the American States expect to find in the diminution of their expenses for pauperism and crime, would not much benefit our public treasury; since our poor rates, and great part of our criminal expenditure, fall not on the Crown but on local resources. The revenue would, however, no doubt receive a compensation of a different kind, in the increased consumption of custom-paying and excisable articles, which would be purchased by the money saved from the clutches of the publican. Yet the experiment is on too great a scale to be hazarded hastily. The progress must be gradual, in order to be safe. There is, however, it must be confessed, no reason to fear that the newborn agitation should meet with too rapid a success, when we remember the powerful interests by which it is opposed. It is clear that no legislation on the subject could be even attempted,

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* The total revenue derived from intoxicating liquors of all descriptions, (according to the annual finance accounts for the year ending January 5. 1854), in the year 1853 was as follows:—

| | £ | £ |
|---|---|---|
| Spirits, Foreign and Colonial - - | 2,689,324 | |
| „ Home made - - - | 6,864,449 | |
| Total on Spirits - - | - | 9,553,773 |
| Malt - - - - - | 5,418,417 | |
| Hops - - - - - | 440,578 | |
| Total on Malt and Hops - | - | 5,858,995 |
| Wine - - - - - | - | 1,924,972 |
| Total Duty in 1853 - | - | £17,337,740 |

Of this about fifteen millions would be lost by the passing of a 'Maine Law.'

in this country, till it was demanded by a great majority of the people. Meanwhile there can be no harm in that full discussion of the question which will be elicited by pressing it on the attention of Parliament. Every one must rejoice that efforts should be made to convince the masses of the penalties which they entail upon themselves by intemperance. Nor can we condemn the attempt to persuade the English constituencies to restrain themselves by law from a brutalising self-indulgence, whereto they are proved by the report of every Election committee to be so lamentably addicted. If such efforts fail, they leave the people no worse than they found them. If they succeed, they make them wiser and better.

One caution, however, we will add. The working classes are now attracted to the tippling house by finding there (what they seldom find at home) both comfort and amusement; in the shape of well-lighted rooms, newspapers, and social intercourse. Now all these things might be supplied them without ale or gin. We would therefore urge upon the benevolent agitators who seek to suppress the ale-house and the gin-palace, the necessity of providing the poor with public reading rooms and coffee-houses, free libraries and museums, cheap concerts and exhibitions for the winter season; and open parks, zoological gardens, and cricket grounds for the summer. If in the petitions for restrictive legislation which they are now preparing, they would incorporate proposals for supplying innocent recreation to the people, they would obtain a far more extensive support from those whom they desire to benefit, but who now too often regard all enactments tending to the promotion of public morality, as the tyrannical interference of the rich with the amusements of the poor.

With this proviso, we wish God speed to the champions of Temperance. In these days, there is more reason than ever to welcome every means which may tend to refine and elevate the democracy of England. They who are carelessly indifferent to the welfare of their brethren, and feel no Christian sympathy in their moral progress, should now promote it, if only from selfish motives. The political changes which are looming in the distance, whatever shape they may take, cannot fail to give added power to the poor. As years pass on, the Sovereign People is likely to become more and more absolute in its sovereignty. If Lemuel was right, it would be best for all parties that King Demos should be a water-drinker. And in the prospect of his reign, the rich have assuredly every reason to desire an appeal from Demos drunk to Demos sober.

ART. III. — *Æschyli Tragœdiæ.* Recensuit GODOFREDUS HERMANNUS. 2 vols. Leipzig: 1852.

IN venturing to pass an unfavourable judgment on this work, it is scarcely necessary to say that we are animated by no prejudice against continental scholarship. Few educated men, we should hope, would be found at the present day to acknowledge such a feeling. Whatever may have been the case sixty years ago, the imputation of being 'sadly to seek in Greek' is now much more applicable to the English than to the Germans. Even Porson himself, were he among us again, would scarcely, we think, hazard a repetition of the taunt, in the face of the schools of philology and exegesis which have arisen since his time, mainly through the zeal and energy of foreign labourers: at any rate, he has left no successor who could take it up without exposing himself to ridicule.* For Hermann in particular

* We observe with satisfaction that another attempt is being made to establish a Philological Journal in England. Its title is the 'Journal of Classical and Sacred Philology,' so that it includes not only philology, commonly so called, in its widest sense, but biblical and patristic exegesis, and ecclesiastical antiquities. The prospectus informs us that it is to appear three times a year at Cambridge, under the superintendence of a resident managing committee. The *locale* is certainly well chosen, as no other place in England can boast a numerous and compact body of residents devoted to philological pursuits: and the names of the Committee are such as to afford every hope that the effort made will be thoroughly vigorous and well sustained. One of them, Mr. Mayor, of St. John's College, has recently distinguished himself by the publication of a school edition of Juvenal, which, for really ripe scholarship, extensive acquaintance with Latin literature, and familiar knowledge of continental criticism, ancient and modern, is unsurpassed, we do not say among English school books, but among English editions generally. The first number, published last March, contains several papers of great interest, some rather elaborate, others partaking of the nature of 'Notes and 'Queries.' An article of the former class, on Lucretius, by Mr. Munro, of Trinity College, induces us to hope that 'the greatest of 'extant Latin poets' may ere long find an English editor not unworthy to follow in the steps of Lachmann. Foreign philological periodicals are laid under requisition, materials being extracted or abstracted from several of them, while a *resumé* of the contents of all is given at the end of the Number. Germany, we trust, will not be slow to return the compliment. In the Second Number, which has just appeared, a paper on Mr. Grote's view of the Sophists, and

we have long cherished the most unfeigned respect, as one who, years before his death, was the acknowledged head of the scholars of his generation. When every deduction has been made on account of the rashness of youth, or the over-subtlety of age, it must be confessed that hardly any one has done so much for the study of the Greek tragedians, not to mention his services, however desultorily rendered, to other departments of classical literature, and especially to Greek grammar as such. His *Sophocles* is, in our judgment, his most successful effort, as a specimen of textual and explanatory criticism combined; though it may be doubted whether he did not keep his hand too long on the tablet, and efface by additional touches in the later editions of the plays some of the features which gave most value to the earlier. Æschylus had already derived considerable benefit from him when the present publication appeared. His *Observationes Criticæ*, so long ago as 1798, though full of things which were rejected by his own maturer judgment no less than by that of subsequent editors, contributed mainly in at least one memorable instance (that of the κομμός in the *Choephoræ*) to the restoration of order and harmony where all before was chaos and unintelligible discord. His review of Müller's *Eumenides*, though it may have failed to discredit the antiquarian or æsthetical value of the work against which it was directed, was probably of more substantive importance as a critique on the text of the play than any regular edition. A few unquestionable corrections of passages in the extant plays are scattered up and down the *Opuscula*, which also contain various dissertations on the lost dramas, uniting the minute sagacity of a verbal emendator with something of the imagination of a reconstructive artist. A complete edition of Æschylus was understood to have been the labour of his life —the point to which his earliest and latest studies, however widely extended, alike converged. He regarded it as his own ground; and the rough language in which he occasionally broke silence to warn off trespassers, far from being generally resented, was accepted by common consent as evidence of legitimate proprietorship. If the disappointment is great, it is precisely because the hopes were high. We supposed that Hermann could tell us more about Æschylus than any other man; and now that the oracle has spoken, it is mortifying to find so much

another on the Martyrdom, are the chief *pièces de resistance*. We recommend the undertaking strongly to the support of our classical readers.

that we should gladly forget, and so little that we should care to remember.

We are aware that even this expression of disappointment, though the feelings from which it springs are those of previous gratitude and admiration, may appear to some no less unreasonable than undutiful. Mr. Paley, in the preface to the new edition of his *Eumenides*—one of a series which we desire in passing to commend to the best attention of our readers—has already anticipated such a complaint as we have taken upon ourselves to make. 'Video,' he says, 'non defuturos, qui cum 'nostri poetæ reliquias tanquam ab altero Æsculapio e mortuis 'excitatas expectassent, nunc inani spe decepti iniquius in 'magnum virum invehantur. Quod potuit ille efficere, et 'quantum humanæ doctrinæ concessum erat, ut quæ vel in 'linguæ ac metri leges peccata, vel contra poetæ mentem 'mutata a librariis sibi viderentur indicaret, id quidem officium 'Æschylo scite et diligenter præstitisse putandus est: quod non 'potuit, ut amissa revocaret, vitiata in integrum certa con-'jectura ubique restitueret, judicio in omnibus probo nec postea 'ab aliis in dubium vocando uteretur, hæc ab eo sani homines 'non flagitabant.' For ourselves, we have only to deny the positions on which this counter plea is based. No one, so far as we know, ever expected Hermann to achieve impossibilities, to restore every passage with infallible certainty, or to pass irreversible judgments on every controverted point. What was expected was, that his would be *the* edition of Æschylus, surpassing those of his predecessors in proportion to the pre-eminence of his rank in the literary hierarchy, and the protractedness of the labour bestowed. It is doubtless true that he has exposed and corrected what *he* conceived to be at variance with the language, the metre, or the sense: but we cannot accept this result as a measure of the capacity of human learning, or, indeed, as anything more than is commonly performed by every editor of a classical author, however insignificant. The question is, whether his conceptions of the evils and their remedies are such as would commend themselves to other critics as right; and to this we hope to give some answer as we proceed. If we admit that even the most eminent scholars are not to be judged by a transcendental standard, we contend no less that even the most eminent scholars are not to be allowed to give laws to themselves.

With regard to the general requisites for an edition of Æschylus there can hardly be much difference of opinion. The peculiarity of the author, if he can be said to have any, is that he, more than most of the classics, requires and repays labour;

the labour of constituting the text, and the labour of interpreting it. The history of Æschylean criticism alone might form a moderately sized volume. Even within the last fifty years great advances have been made. The celebrated Glasgow Æschylus, though not what Porson would have made it, was deservedly accepted at the time as a standard text; but no one now would dream of reprinting it. For the reformation which has since been made, we have to thank not only the sagacity of the critic, but the industry of the collator. Till very lately, the original text, as generally received, the *corpus vile* on which editors made their experiments, was not the text of the MSS., but the text as arranged by the early editors, Turnebus and Vettori. The MSS. had indeed been examined, not only by those editors, but by subsequent scholars: but the collations were very imperfect and not always acted upon, even when everything was to be gained by attending to them. Even Wellauer's edition, which deserves to be commemorated as the first systematic attempt to construct a text upon external evidence, is not to be trusted as an exponent of the authority to which it appeals; while Blomfield's *apparatus criticus* is nearly valueless, except as regards some of the inferior copies. The great desideratum of all, a scrupulously accurate examination of the oldest MS., the Medicean, can only now be said to have been achieved, the collation made for Weigel in 1827, though an improvement upon Salvini's in the last century, being disfigured by a singular inadvertency on the part of the scholar undertaking it, who allowed his readers to suppose that the MS. sanctioned certain novelties in the edition (Schütz's), with which he unfortunately chose to compare it. Whether it will be necessary to subject the other MSS. to an equally searching investigation is itself a disputed point, which has been already ruled in one way at Leyden, and in another at Leipsic.* In strictness of procedure, experiment ought to begin only where observation ends: practically, however, we cannot wonder that critics should have called in the aid of conjecture before they had exhausted manuscript resources. The result is that much is constantly done that requires to be undone again; but much also remains unshaken. In not a few cases the true reading has

* Cobet (Oratio de Arte Interpretandi, pp. 105-6.), declares his positive conviction that *all* the MSS. of Æschylus may be shown to have been derived from the Medicean copy, which consequently he thinks the only one worth consulting. Haupt, on the other hand, (Hermann, vol. i. p. ix.) speaks of three MSS. (the Venetian, the Florentine, and the Neapolitan) as belonging to a different family.

been found to have been actually anticipated by the 'divination' of the philologer; in other instances, his conjectures maintain their own ground, not weakened, if not confirmed, by subsequent discovery. We shall not attempt to decide which of these two constituent powers has contributed more during the period we are speaking of to the restoration of Æschylus' genuine text, where both have done so much. In themselves they are perfectly harmonious, though, as a matter of fact, human one-sidedness rarely allows them to be wielded by the same individual, so that we have to balance the acuteness of a Blomfield against the scrupulousness of a Klausen, and obtain a *tertium quid* different from either. For the future, we can hardly doubt that it is to conjecture we must mainly look to teach us what Æschylus wrote in the many passages where 'time, and chance, 'and worser ignorance' have effaced his autograph. Manuscript stores are essentially finite; conjecture, even when most strictly limited to the materials placed before it, is nearly inexhaustible. The more obvious restorations have been made already; indeed, it would be strange if the three hundred and thirty years that have passed since Æschylus became the property of a reading age had not effected at least thus much; though even there, from time to time, accident reveals to us something which was lying all the while close to the surface. But operations may still be carried on further underground: palæography has as yet done little for us, compared with what it might do if once it were studied systematically, as the Leyden school of critics would recommend: and any one who would combine the comprehensive research of the German archæologists with that practised textual acumen which they wanted or disdained, might, we are persuaded, produce results which would be as informing to the disciples of Hermann as to those of Müller.

If we have hitherto dwelt exclusively on the text of Æschylus, its condition and its requirements, it is not that we wish to undervalue the other great department of editorial duty, that of interpretation. Strange, indeed, it would be if the language of those whom we are accustomed to call classic authors were really of more importance than the matter—the husk than the kernel which it contains: strange, too, if in an edition of one confessedly among the most difficult of Greek writers, the text alone should require attention, while the meaning might safely be left to make itself clear to the reader. In fact, as we have just hinted, a deep and thoughtful insight into the sense of Æschylus is absolutely necessary, if only to determine what his words are likely to have been. Many a rash and confident

guess would have been spared if its promulgator had only taken pains carefully to consider the passage which he proposed to amend, to observe the comparative significance of each mem ber of the sentence, and even of each word, as indicated by its order, and to examine the connexion of the sentiment with that of the speech or strophe of which it forms a part. Nor are there wanting instances where verbal results, which critical sagacity, though disciplined by palæography, might have looked for in vain, have suggested themselves to a mind enabled by experience and sympathy to realise the type on which the author was working. But we are discussing Æschylus with reference to Hermann; and Hermann's annotations unfortunately cannot be called exegetical. This is indeed one of the grounds on which we have conceived ourselves entitled to express our disappointment with them. It will hardly be denied that there was some reason to argue *à fortiori* from Sophocles to Æschylus, and expect that an editor, who had attempted with success an explanation of most of the obscurities in the easier writer, would undertake to deal with those presented by the more difficult. In general he has not chosen to do so. His notes are little more than a series of decrees about the text, not unlike Dindorf's, except that the legislative 'scribendum' is occasionally exchanged for the executive 'scripsi.' Sometimes he is at the pains to translate, though he rarely enters into arguments to vindicate, his own conjectural readings. Sometimes, too, he has a grammatical or lexicographical note, which reminds us of his better manner, discussing a word or analysing a phrase. But a commentary in the proper sense of the term —'commentarius, quem vocant perpetuus,' as Elmsley said,— he has not written. Possibly the scoffs levelled by the Müller school at 'notes of the ordinary sort,' induced him to maintain as a point of honour what may originally have been as much a matter of accident as one of principle. Whatever may have been the cause of his determination, we cannot hesitate to pronounce it an unhappy one. In the comparatively few instances where he has written an exegetical note, we are sometimes inclined to question his judgment; but we should certainly have wished to see that judgment exercised more frequently. As it is, there is something mortifying and almost irritating in following him through such a play as the *Choephoræ* (on the *Agamemnon* he is much more explicit) without hearing a word about the great majority of the questions which an interpreter might be expected to answer. He may have thought that the exegetical part of the work, as a whole, had been sufficiently performed by Schütz, on whom he seems to have looked with

some respect, possibly from early association; but why did he not say that he wished to be understood as agreeing with his meritorious but tedious predecessor in all cases where dissent was not expressed? Questionable as the preference would have been, as against Klausen, the commentator of all others (we borrow the language of our southern contemporary*) 'who has 'entered into the spirit, and laboured to unravel the thoughts, 'of his author,' the course pursued would at any rate have been intelligible. As it is, Hermann has, to say the least, laid himself open to the suspicion of having regarded the whole duty of an interpreter with a contempt which cannot but recoil on its subject. Felicity in textual criticism is a rare gift, the absence of which need not derogate from the sterling value of an edition, as Klausen's example shows: painstaking and thoughtful exegesis is a requisite for every day use, such as every annotator is bound to provide. Hermann has neglected the safer course: has he succeeded in the more perilous?

One important admission we are glad to be able to make at the outset. As exhibiting the MSS. data for the formation of a correct text, this edition is superior to any that have preceded it. It gives us, for the first time, what would seem to be a satisfactory collation of the Medicean MS. throughout, an office which Franz had already performed in part in his Greek and German *Oresteia*. The readings of the inferior copies are also presented, some of them from collations or excerpta made for the purpose: and three MSS. of separate plays (the *Supplices*, the *Prometheus*, and the *Septem contra Thebas*), none of them of any great value, have been examined for the first time. A full account of these MSS. authorities is given in the preface, which is written by Maurice Haupt, Hermann's son-in-law and literary executor. We wish we could say as much for the completeness of the work as a *resumé* of the suggestions of former scholars — the other section, as it may be termed, of the historical department of textual criticism. In this respect it does at once too much and too little. We hear a good deal of Schütz, most of whose conjectures, whatever may be thought of his interpretations, the world has long since agreed to forget. Blomfield, too, occupies rather a disproportionate place, being not only mentioned frequently, but occasionally glanced at with an indirect dexterity of allusion which presumes, as it betrays, such knowledge as only a rival is likely to possess. Whether the Bishop of London has more cause to feel flattered or aggrieved by this persevering attention, it is not for us to say:

* Quarterly Review, vol. lxiv. p. 375.

even a casual reader, however, may perceive that he is singled out for disparagement, as a representative of English scholarship, and in particular as a follower of Porson. That great man himself, we may observe in passing, is repeatedly adverted to with an asperity which argues ill for Hermann's magnanimity, and sometimes discredits his judgment. Thus, in a note on *Agam.* 713. (here, as elsewhere, we follow Hermann's own numeration), he says, 'Porsonus *ἀκασκαῖον δ'* edidit, quem omnes 'secuti sunt: Porsonus enim si præsul solœcismum facit, quis 'non redamtruet olli?' and then proceeds to lay down a canon of his own, confirming it by an arbitrary correction of a passage at variance with it: while on v. 817. of the same play he rejects one of Porson's most self-evident corrections with a similar sneer at the applause with which it has been greeted—'Inutilis 'est ista conjectura, obsequium ridiculum.' On the other hand, we can distinguish very few references, direct or indirect, to anything which has appeared in the last twenty years. This, of course, was to a certain extent inevitable. The *Supplices*, as Hanpt informs us, is the only play which had been finally prepared for the press at the time of his death: the notes on some, at least, of the others were evidently written much earlier —judging from internal evidence we should say between 1820 and 1830, not long after the appearance of Blomfield's various editions. But it is clear that he occasionally *did* alter what he had then written, sometimes inserting second thoughts of his own, and those not always the best, sometimes incorporating the remarks of others. Where he refers to a book on one passage, we may fairly presume that he looked at it, however slightly, on others; so that he must be supposed to ignore what he does not mention. As a matter of fact, however, we find that he scarcely ever acknowledges the existence of subsequent critics, except to note their coincidence with his own unpublished views: and even there, as Mr. Paley has shown, his attention is sometimes at fault. It is little to say that he constantly passes over *sub silentio* conjectures far exceeding his own in plausibility, such as Paley's *ἀσυχῆ* for *σὔχη* in *Choeph.* 56., or Linwood's *εἰσόπιν —— ἴτων* for *ἐς τὸ πᾶν —— οἴκων* in *Eum.* 1024.: yet this would be enough greatly to detract from the utility of an edition laying claim to completeness. But there are cases where he betrays no consciousness, in text or notes, of unquestioned or unquestionable restorations, such as it would be equally perilous to an editor's reputation to challenge and to pass by. The most glaring instance of this kind is in *Agam.* 1081., where Dindorf's emendation, made more than twenty years ago, and accepted universally, *καιρία* for *καὶ δορία*, is absolutely ignored,

and γᾷ δορί, an infelicitous guess of his own, proposed originally in the appendix to Humboldt's version, enthroned in the text. From the stress which he lays in his note on the absence of the καί as an advantage peculiar to his own reading, we are inclined to suppose that he was not at the time aware of anything better: but it is simply marvellous that in retouching, as he evidently did, his notes on the play, he should have been guilty of so flagrant an omission. Another correction, equally certain, though of later date, of which, as the reviewer of Franz's book in the *Wiener Jahrbücher*, he must have been aware, but of which his notes contain no mention, is Franz and Ahrens' κλῦτε δὴ γᾶ χθονίων τε τιμαὶ, for τὰ χθονίων τετιμαι (the original reading of the Med. MS., altered by a later hand into τετιμέναι): and this when he has actually thought it worth while to repudiate τιτηνά, his original conjecture, ingenious as it is, and accepted by most of the later editors, who wrote before the discovery of the true reading, in favour of another fancy of far less plausibility, πρότιμα. Of course in censuring the shortcomings of a posthumous work, which was never subjected to a final revision, we must always be more or less judging in the dark: but we think we can see that this contemptuous want of deference to the labours of his younger brethren was as much the result of design as of accident. Innovating as was his spirit, he did not choose entirely to disconnect himself from those who preceded him: Schütz, as we have said, he treats with decency and attention: to Auratus he more than once (*Agam.* 900. 1396.) assigns a preeminence which does not seem to us altogether merited: and on one unhappy occasion (*Agam.* 1131.) he adopts a conjecture of Canter's, which our respect for that father of Æschylean criticism would have led us to bury in oblivion, changing θερμόνους, a word unmistakeably genuine, into θερμὸν οὖς, and thus making Cassandra talk of pressing her *glowing ear* (!!) to earth. But in his own generation he preferred to stand alone as a restorer of the text of Æschylus: the process was to go on exclusively within the precincts of the Leipsic Augusteum, and the re-edified marble was to be inscribed with no name but his. 'Godofredus Hermannus sic 'cogitavit.'

There is indeed no lack of material for estimating Hermann's own labours on the text. His notes consist almost entirely of verbal criticism, for the most part very briefly expressed, and the volume which contains them is one of 674 octavo pages, printed in small type. So far as bulk goes, no one need be otherwise than satisfied with this work of

a life-time. We doubt whether any previous critic — except those whose *prurigo corrigendi* has been their infamy rather than their fame, — has attempted so complete a reconstruction. He may fairly be said, in language which we have heard employed eulogistically, to have made Æschylus a new book. These alterations, nearly without an exception, are incorporated into the text, which occupies the whole of the first volume. The result is a recension which differs as much from Dindorf's (we are speaking of Dindorf's first edition, not of that of 1851,) as Dindorf's differs from the readings of the MSS. The whole aggregate of the corrections which, introduced by preceding editors, have been finally sanctioned by the common consent of the critical world, does not, we are persuaded, exceed in importance — probably not in numbers — those which Hermann has brought in by his own authority. Readers who wish to see what changes may be wrought by a great critic upon a great author must be referred in future, not to Bentley's Horace, but to Hermann's Æschylus.

One of the easiest and at the same time least satisfactory ways of removing difficulties in the classics, is to suppose their texts to be imperfect. Emendation, which is commonly stigmatised for its facility, is really, when properly regarded, a difficult exercise of ingenuity, as it involves the discovery of a word or words at once probable internally and externally resembling the original reading: but the hypothesis of a *lacuna*, at least in the dialogue of a play, as a general rule requires nothing more than that the critic should not see any connexion in the passage as it stands, and should see a connexion somewhere else in his own imagination. The limits which the *litera scripta* ordinarily imposes on editorial fancies are here entirely removed, the annotator being at liberty to insert as many or as few lines as he pleases, and thus to give the sense any direction that may suit his pleasure. So simple a method of dealing with language could hardly be expected long to remain the peculiar property of philologers: accordingly we find it exemplified daily in street hand-bills, in which the words in large capitals, the uncial letters in short, bear one meaning if read by themselves, and another if taken in connexion with the intermediate lines in smaller type which make up the rest of the advertisement. We do not mean to say that the existence of *lacunæ* is abstractedly impossible or even unlikely, nor that critical acumen may not obtain a legitimate triumph by detecting them, finding regulation for itself in the unmistakeable indications supplied by the passage which it assumes to be fragmentary: but we know that in Æschylus

scarcely a single case of the omission even of a single line in iambics, trochaics, or anapæsts, not proclaimed, as in the solitary instance at the beginning of the *Choephoræ*, by an obvious deficiency in the MSS., can be said to have been established to the general satisfaction of the critics.* Consequently, we do not think it raises a presumption in Hermann's favour that he should have availed himself of this licence of conjecture far more unsparingly than any editor within our knowledge. The continuity of his text is broken by upwards of forty supposed *lacunæ*, not more than a fourth of which have made their existence suspected before his time. We cannot stop to discuss all these new discoveries, but we will take those which occur in the first play in the volume, the *Supplices*, as specimens of the class. On v. 218. Hermann says, 'Aliquot 'versus post hunc excidisse, quibus adventum regis indicabat 'Danaus, ostendi in Annalibus Vindobonensibus, vol. C. p. 179.' We are unfortunately unacquainted with the article referred to: but we can perfectly understand that an editor may consider the transition from v. 218. to v. 219. rather abrupt, and think that some verses announcing the arrival of the King would form an appropriate bridge. The point however is, Does the passage as we find it in the MSS. involve any such *saltus mortalis* as Æschylus is not likely to have taken? We cannot think that it does. Danaus in his first speech mentioned the distant approach of the royal *cortége*, nor was he called upon to repeat the announcement, especially after having given it so conspicuous a place, as the fact on which his subsequent injunctions were to depend; while vv. 219, 220. come in naturally as a conclusion of the whole subject, serving to connect the second speech with the first, the στιχομυθία being a kind of digression. The second instance, which supposes the omission of a line after v. 296., deserves more consideration than we can at present give to it, coming as it does from a passage which we have already in our last note ventured to pronounce confused: we must remark, however, that Hermann's supposition necessitates a very questionable alteration in v. 293., so that there is at least one strong argument against it. The next passage (vv. 463. sqq.) we would explain as it stands, by connecting κλάδους τε τούτους with θές, so as to introduce the familiar Æschylean construction of τε and a finite verb with a participle; but

* The only decided exceptions of which we are aware occur in *Agam.* 1650., *Supp.* 210. 315. (ed. Dindorf), in each of which a line is apparently required for the στιχομυθία. The two latter, we may remark, show signs of some further confusion.

even failing this, we think it would be less hazardous to suppose a slight corruption with other commentators than to supply a line with Hermann. The insertion after v. 740. we need not notice, as it is not Hermann's own but Mr. Paley's, who himself in his second edition speaks less confidently of it. Still more gratuitous is the supposition, that two lines have been lost in the dialogue between the King and Herald (vv. 882. sqq.) Whatever be the reading of v. 885., we can see no objection to taking it, as all the commentators have taken it, as the natural retort to v. 882. The King tells the Herald that he is not conducting himself like a ξένος: the Herald replies, that in committing the act complained of, he is only reclaiming his own. Of vv. 913. sqq., where the passage is first transposed and then pronounced imperfect, we shall have a word or two to say below. The *lacuna* after v. 940. (originally indicated by Wellauer) is supposed to be established partly by metrical considerations, as the King's speech is thought to be antistrophic to that of the Chorus, partly on grounds of sense, v. 944. being considered too abrupt for the opening of an address: both reasons, however, will vanish if (as has been suggested in an article in the 'Christian Remembrancer' for April 1852), we assign vv. 944—948., no less than the preceding lines, to the Chorus, an arrangement which will further obviate the necessity, otherwise imperative, of adopting Hermann's change of δμωΐδες into δμωΐδας in v. 496. The passage from v. 968. to v. 972. is another which may, we think, be set right without inserting a line after v. 969., but we must reserve the details for a note.*

* We would propose to read the passage thus:—

> θῆρες δὲ κηραίνουσι καὶ βροτοὶ (τί μήν;)
> καὶ κνώδαλα πτεροῦντα καὶ πεδοστιβῆ
> καρπώματα στάζονθ', ἃ κηρύσσει Κύπρις,
> κἄωρα κωλύουσιν, ὡς μένειν ὅρῳ.

The reading of the first three lines, which, though not identical with Hermann's, is singularly confirmed by it, has been already suggested in the article in the 'Christian Remembrancer' just referred to. In the fourth, we have profited by Hermann's correction, ὡς μένειν ὅρῳ, which he explains, 'ut maneant intra terminum,' κωλύω being constructed with ὡς, and the infinitive as in Thucyd. 7. 36. He does not, however, appear to us to have seen the full value of his own conjecture, as he understands the expression μένειν ὅρῳ of beasts remaining within their bounds. We think it is to be explained by a reference to *Eumen.* 927, 8. (ed. Herm.) Φλογμός τ' ὀμματοστερὴς φυτῶν, τὸ μὴ περᾶν ὅρον τόκων, from which we are inclined to infer a technical use of ὅρος, as signifying the bounds which a plant is supposed to break when it developes. Thus the sense is, that the spoilers damage the ripe fruit, and hinder the unripe from coming to maturity.

This closes the list of instances from the *Supplices*, in which, as our readers will have seen, there is only one that, in our judgment, shows any signs of a *lacuna:* and even those, as the passage stands, are exceedingly equivocal. So far as we are aware, the specimens chosen have been rather favourable than the reverse. The play, as we have said, is the only one for the publication of which Hermann is entirely responsible: it is also the one in which he appears to us to have succeeded best; and, what is of still more importance, it is, though not the most difficult, nor, on the whole, the most corrupt, the play where there is most cause for suspecting mutilation. We are reflecting not on Hermann, but on the system which he has pursued; not on his ill success in looking for *lacunæ*, but on the principle of looking for them at all. In one respect, however, he appears to us to have laid himself open to special censure; and we mention it the rather because the offence is almost entirely confined to the *Supplices*, so that it would seem to have been the result of his latest thoughts: we mean that he more than once inserts lines of his own composition in the text — a piece of temerity which we scarcely know how to characterise. It is true that he distinguishes them from their neighbours by asterisks: but that is hardly sufficient. An intruder into a house may not be disguised as one of the family; but he is an intruder still.

With respect to *lacunæ* in the choral parts, the case is different. Their existence rests on tangible external evidence, that of the metre, the correspondence of strophe and antistrophe acting as a check upon arbitrary hypothesis. It is true that this evidence is not absolute, but only presumptive, as where strophe and antistrophe differ, it may be that the one is redundant, not that the other is imperfect — a point pressed some years ago in a pamphlet by Mr. Thomas Dyer, who remarks on the great numerical disproportion between the *lacunæ* in the Choral Odes of Æschylus and those in the dialogue, and proceeds with some ingenuity, though not always in a felicitous or scholarlike manner, to remedy several of the more important of the former class by the omission of words which he judges superfluous. The fact of the disproportion, as exhibited in every edition before Hermann's, is plain, but its argumentative value is rather questionable, as Mr. Dyer on his hypothesis has to account for the preponderance of interpolations in the lyrical parts, and the consideration which he would doubtless adduce—the greater comparative ignorance of the metre on the part of the transcribers—would explain subtractions at least as well as additions. Thus it is only by the style and sense of the pas-

sage under dispute in each case that the plausibility of either supposition can be tested: and as a matter of fact we believe that critics are generally agreed that the text of Æschylus' choruses has suffered more from omission than from insertion. Here, accordingly, Hermann's text does not differ so materially from that of his predecessors as to call for special notice. We have to remark, indeed, especially in the *Supplices* and the *Persæ*, the same practice which we censured just now,—that of patching up the rents in the author with shreds from the wardrobe of the critic. The effect is less offensive in the present than in the former case, because the proceeding itself is in general less arbitrary. The deficiency is mostly a recognised fact, not an individual crotchet: and the attempt to supply it rarely extends beyond a word or two, so that it seems scarcely bolder than an ordinary conjectural emendation. Instances might be quoted in which the missing word is so plainly pointed out by the metre and the sense of a passage, that an editor is justified in inserting it *proprio periculo*. But these are very rare, and we are not sure that Hermann's Æschylus can be said to supply any of them. As commonly practised, there can be no doubt that the habit is a dangerous one, and ought to be protested against by all who, like ourselves, desire to see classical texts preserved in their purity.* In one or two extreme cases

* We are sorry to say, that some very grave offences of this kind have recently been committed under the auspices of the University of Oxford. The delegates of the Clarendon Press have, as is well known, for a long time employed Professor Dindorf to edit classical texts. That scholar had acquired considerable reputation by editions of the Greek Dramatists, published first in Leipsic and afterwards at Oxford, the guiding principle of which was understood to be a faithful and in some cases superstitious regard to the text as it stood in the MSS. Lately, however, he has put forth editions of Æschylus (1851), and Sophocles (1849), which are distinguished, to a degree scarcely paralleled, by the opposite characteristic of rash and ill-advised conjecture. We give an instance from each in which he has, without a shadow of external authority or internal plausibility, obtruded a word of his own on the text of his author. In Æsch. *Eum.* 352., the MSS. give *παλλεύκων δὲ πέπλων ἄμοιρος ἄκληρος ἐτύχθην*, the antistrophic verse being *Ζεὺς γὰρ αἱματοσταγὲς ἀξιώμισον ἔθνος τόδε λέσχας*. In the Oxford edition we read, *παλλεύκων δὲ πέπλων ἄμοιρος μούνα ἐτύχθην*, and *Ζεὺς γὰρ ἀξιώμισον πᾶν ἔθνος τοδὲ λέσχας*. In Soph. *Phil.* 1131., the Professor has substituted *τὸν Ἡράκλειον ξύννομον* for *τὸν Ἡράκλειον ἄθλον*, or *ἄθλιον*. These, our readers will see, are not conjectures of the ordinary sort, where the words supplied resemble those which they supersede. The critic has simply treated his author as a tutor treats the exercise of his pupil, striking

the result has been a mere *rifaccimento.* The conclusion of the *Persæ* has been regarded by all previous critics, and formerly by Hermann himself, as monostrophic, — an epode, such as not unfrequently ends a lyrical system. He now considers it antistrophic, on no metrical ground that we can discover, except the recurrence of one line, which, after all, he has to remove from its natural and authorised connexion in order to complete his scheme: and on the strength of this he proceeds to manufacture four strophes and four antistrophes, nearly half of the materials being purely and entirely his own. Even though he were right in his view of the metrical requirements of the passage, which we doubt, he surely was not called upon to do more than indicate the parts which he supposed to have been omitted. In his note he says, 'Studui hos versus ita 'conformare, ut dignus Æschyli arte tragœdiæ finis evaderet, 'quanquam in iis, quæ asteriscis inclusa addidi, singula verba 'præstare non possum.' We wonder that the same notions of editorial duty did not lead him to attempt a restoration of the lost plays.

Another distinguishing feature in Hermann's Æschylus is the extent to which he has indulged in the transposition of lines. This expedient is of course chiefly applicable to the dialogue; in the choruses, such changes are for the most part either absolutely necessary or absolutely inadmissible, so that a critic has rarely an opportunity of suggesting them. The facility of hypothesis is not so fatal here as in the case of *lacunæ:* the order of the lines in a passage cannot be altered at random, nor are the productions of great poets in general so written that they may be read either backwards or diagonally, or in alternate verses, at the reader's pleasure. Owing to the salutary operation of the limit thus imposed, we rarely find editors proposing transpositions which are positively extravagant or purely arbitrary; while there are not a few cases—and we are happy to give Hermann credit for two of them at least (*Agam.* 1243., *Cho.* 115.) — in which the suggestion, once made, has been immediately seen to be indisputable. It is, moreover, an hypothesis which has always some external plausibility, as we know that the copyists were in the frequent habit of transposing lines accidentally,

out one word and putting in another which he thinks better. He has not even had the decency to distinguish his own suggestion from the rest of the passage by asterisks or brackets. To notice all the cases of violence done to the text would require a separate article. It is with regret we add, that these editions are the text books now in use in the public examinations at Oxford.

and that the marks by which they endeavoured to rectify their error when discovered were such as may easily have been obliterated. Nevertheless, we are compelled to think that in this, as in other respects, Hermann has injured the text of Æschylus far more than he has benefited it. We alluded a little while since to a place in the *Supplices* (vv. 913. sqq.), which he has disfigured at once by a transposition and a lacuna, the former in part originally suggested by Schütz. The passage is perfectly intelligible as it stands in the common editions, except that the reading in v. 913., for which he has himself suggested a good conjecture, *σοὶ μὲν τόδ' ἡδύ*, is not quite settled. The Herald, after inquiring to whom he has been speaking, intimates rather abruptly, but not unnaturally, that the question will be made not one of talking, but of hard blows. The King in reply takes no special notice of the threat, but, in declaring that he and his people have made up their minds, implies with sufficient plainness that they are ready to bear the consequences. The Herald briefly retorts, in two lines of defiance, which are answered as briefly by the King, in a manner which shows that the 'scoff' and the 'counter-scoff' were alike intended by the poet to be 'fiery short.' Hermann, however, thinks differently, and gives the Herald's concluding speech as follows: —

*εἴ σοι τόδ' ἡδὺ πόλεμον αἵρεσθαι νέον,*
* * * * *
*οὗτοι δικάζει ταῦτα μαρτύρων ὕπο*
*Ἄρης, τὸ νεῖκος δ' οὐκ ἐν ἀργύρου λαβῇ*
*ἔλυσεν, ἀλλὰ πολλὰ γίγνεται πάρος*
*πεσήματ' ἀνδρῶν κἀπολακτισμοὶ βίων.*
* * * * *
*εἴη δὲ νίκη καὶ κράτη τοῖς ἄρσεσιν.*

A similar case of manipulation occurs in *Cho.* 95. sqq., a passage which has hitherto presented no difficulty to any of the editors, except perhaps Schütz. The Chorus, invited by Electra to give their opinion whether she ought to make any address to her father while pouring the libations on his tomb, and if so, what, offer to do so, saying that they will speak sincerely, and as in the sight of the dead. Electra accepts the assurances, and bids them proceed, when they at once advise her to pray for blessings on her friends. Such is the substance of the dialogue, with which we should have thought it difficult to find fault. Hermann, however, first complains of v. 95., *λέγοις ἄν, εἴ τι τῶνδ' ἔχεις ὑπέρτερον*, in which Electra repeats the invitation already given, as being tame and unnecessary, and then goes on to condemn more emphatically the assurance

given by the Chorus, and Electra's acceptance of it; saying, in effect, that no one wanted to know what the Chorus *felt*, but what they *thought*. This being premised, he reforms the whole passage, so as to produce what he considers worthy of Æschylus, 'Videor autem mihi quod dignum esset Æschylo effecisse ita 'his versibus conformatis omnibusque choro redditis:'

XO. *αἰδουμένῃ σοὶ βωμὸν ὡς τύμβον πατρὸς*
*λέξω, κελεύεις γάρ, τὸν ἐκ φρενὸς λόγον.*
*λόγους ἂν οἵσπερ ἡδέσω τάφον πατρὸς*
*στέγοις ἄν, εἴ τι τῶνδ' ἔχεις ὑπέρτερον·*
* * * *
*φθέγγου χέουσα σεμνὰ τοῖσιν εὐφροσιν.*

We will not stop to criticise details, such as the frigidity of the comparison, *βωμὸν ὡς*, where the Chorus are supposed merely to be acknowledging Electra's sentiments, not expressing their own, but leave it to our readers to say whether here, as in the last instance, independently of the violence of the changes involved, the new arrangement is not greatly inferior to the old in propriety and poetical spirit. We are not aware of any examples of rash and tasteless transposition so conspicuous as these: but many remain behind which could be shown to be utterly needless, as well as unauthorised. Those who choose to pursue them may be referred to *Supp.* 437., *Pers.* 13. 684. (note), 777., *Theb.* 553. (note), 785., *Cho.* 504. 548. 683., *Eum.* 238. One or two others, which at first sight appear sufficiently specious, such as *Cho.* 285., *Eum.* 675. (both of which have been published before, and received with approbation *), when more carefully examined, will be seen to injure

* In the passage from the *Choephoræ*, the old order is shown to be the true one by the words *τὸ γὰρ σκοτεινόν*, which, as Klausen remarks, points to *ἐν σκότῳ* preceding. In its present condition the passage is of course unconstruable, but a very slight change, we think, would set it perfectly right, without any transposition. But the considerations which our conjecture involves, are too wide to be opened out, even in a note. In the lines from the *Eumenides*, there is an evident connexion between *πρώτας δίκας* and *ἔσται δὲ καὶ τὸ λοιπόν*, which would be broken by Hermann's proposed insertion. Meineke's transposition of *Cho.* 977. sqq. (ed. Herm.), which Hermann adopts, is, to say the least, equally unwarrantable. The objection to the old order, the confusion between Clytæmnestra and the robe with which she slew her husband, is really its strongest recommendation. The madness has begun to work in Orestes' brain, and he actually identifies his mother with the instrument of death. *νιν*, in v. 977. is Clytæmnestra, as the preceding words show.

the context which they were thought to improve. We need hardly say, though it is a thing which should be remarked, that, excepting in two or three cases, these transpositions are not confined to the notes, but take their full effect on the text.

A further peculiarity, which will strike the readers of these volumes, is the new disposition which has been attempted of many of the speeches in the dialogue, lines which have hitherto been supposed to be spoken by one character being assigned to another. There is much to be said in favour of this species of reform, which frequently produces very important results at the expense of a very slight change, and that precisely of the nature which is most warranted by the state of the extant MSS. Accordingly, it has been going on more or less extensively ever since the commencement of Æschylean criticism, till whole scenes, which, if not absolutely unintelligible, used to yield a very vague and confused sense at best, have become instinct with poetic beauty and dramatic propriety. We have already alluded to a signal service of this kind rendered by Hermann in his early days, the effect of which was to convert a scene which, even in the Glasgow edition, appears as a sort of irregular monopolylogue, undramatic and unmetrical, into a harmonious whole, in which passion is not weakened but intensified by being distributed among the various acting personages, agreeably to the more intricate laws of choral symmetry. He has now introduced a number of redistributions, chiefly in the iambic portion of the dialogue, which has been for some time past regarded as, for the most part, settled to the satisfaction

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Precisely the same identification, in language as nearly parallel as possible, is made by 'the wild Cassandra,' *Agam.* 1073.

> ἔ ἔ, παπαῖ παπαῖ, τί τόδε φαίνεται;
> ἢ δικτυόν τί γ' Ἅιδου;
> ἀλλ' ἄρκυς ἡ ξύνευνος, ἡ ξυναιτία
> φόνου.

There is an inspiration in the frenzy of Orestes as well as in that of Cassandra: if the latter is a prophetess, the former speaks under Divine sanction as an avenger of blood: and accordingly the identification is not a mere confusion, but contains a truth. When we consider that the *Agamemnon* and the *Choephoræ* are parts of the same whole, and were represented together, we may almost say that Æschylus intended the two passages to witness to each other's meaning. Tasteless, however, as this transposition is, it is infinitely preferable to such criticism as Dindorf's, who actually marks vv. 977—984., — in themselves, apart from the context, as thoroughly characteristic of the Poet as anything in the seven plays,—for omission as spurious.

of critics. These, we think, are decidedly to be classed among the happiest of his innovations: most of them are plausible and ingenious, and such as may be conceived of without difficulty as commending themselves to succeeding editors. Indeed, Mr. Paley has already taken one or two of them under his patronage, in the new edition of his *Agamemnon*, *e. g.* vv. 467—478. (*τάχ' εἰσόμεσθα κ.τ.λ.*), which Hermann, after Wellauer, gives to the Chorus, and vv. 591, 592., (*τοιόσδ' ὁ κόμπος κ.τ.λ.*), which he assigns to Clytæmnestra, as the conclusion of her speech. The first is open to the obvious objection that, in that case, *σοί*, v. 474., which, in the mouth of Clytæmnestra, contains a sneer levelled at the Chorus, would be simply unmeaning, so that Hermann has to change it, not very felicitously, into *του*. The speech is well suited to the pretended *εὔνοια* of Clytæmnestra; nor do we see any real difficulty in the ordinary supposition, that after thus delivering herself she retires to the side of the stage, as it were to study her part, while the Chorus is receiving the Herald, and then comes forward again with a set oration. The assertion that the Chorus is generally the first to discover arrivals may be met by a reference to *Supp.* 162. sqq., 680. sqq., where Danaus describes appearances which, like that of the Herald here, are supposed to have come in sight while the singing has been going on. The second change we are disposed to accept, as the new arrangement would be most appropriate in itself, and the words *αὕτη μὲν οὕτως εἶπε*, v. 593. seem, if anything, intended closely to follow the speech to which they refer. Grammatically, too, Hermann appears right in saying that *τοιόσδ' ὁ κόμπος* could not be spoken by any one but Clytæmnestra, the position of the article showing that *τοιόσδε* must be taken as a predicate, 'such is my 'boast, full of truth, and no unmeet one.' He might have added that Clytæmnestra elsewhere expresses herself in a similar way, v. 870., *τοιοῖσδέ τοί νιν ἀξιῶ προσφθέγμασιν*, a line which, like the present, comes in at the end of an elaborate address, as a kind of summary, and so accords well with her formality and self-consciousness. We may compare also the manner in which she concludes a previous speech, v. 333., *τοιαῦτά τοι γυναικὸς ἐξ ἐμοῦ κλύεις*, as well as another passage from her congratulatory oration to her husband, v. 853., *τοιάδε μέντοι σκῆψις οὐ δόλον φέρει*, which supplies a yet closer parallel, and is, if possible, still more in character, as expressing not only self-consciousness but self-justification. On the other hand, we cannot agree with Hermann that there is any impropriety in giving the speech to the Herald, who need not be supposed to answer his mistress, but to speak

of her after her departure, just as we have had the Watchman talking, though not with the same sentiment of respect, of her *ἀνδρόβουλον κέαρ*. Almost equally plausible is the redistribution of *Prom.* 972, 973., *κρεῖσσον γὰρ οἶμαι κ.τ.λ.*, assigning those lines to Hermes, not to Prometheus — a notion which would be improved by adopting Mr. Paley's independent suggestion, that *οἶμαι* is to be taken parenthetically. Yet it may be answered, and we think with force, that while the new arrangement suits the first of the two verses equally well with the old, it is less appropriate to the second, the language of which can hardly be other than ironical, and therefore is not very likely to be applied by Hermes to his own position. Either disposition makes one of the speakers accept the taunt implied in the words of the other; but while Prometheus might dwell, even with pride, on his servitude to the rock, Hermes would hardly talk of himself as born the trusty messenger of Zeus, especially as his *birth* to service, which, under such circumstances, could only be mentioned contemptuously, had not been alluded to by his enemy. The following lines, too, seem to us decidedly to negative Hermann's view: v. 974. would not be a natural answer to the supposed taunt of the younger God, which could not fairly be taken as a serious expostulation; nor could v. 975. be referred back to vv. 970, 971., separated as they are by two intervening speeches, even if its language did not clearly point out vv. 972, 973. as those to which it is intended to apply. The *Choephoræ* contains two passages, in which the necessity of redistribution is rested on grounds not of dramatic fitness, but of supposed artistic symmetry. The one is vv. 252—260., which is given to Electra, instead of Orestes, that the pair may speak nine lines each; while the other, vv. 494—505., a speech commonly supposed to belong to Electra, is broken up into five small sections, to carry out a similar theory. There can be no doubt that such a notion of symmetry was occasionally present to the minds of the tragedians in constructing their dialogues*: but the

* In one remarkable instance from this very play an attention to the principle of symmetry would have saved Hermann from the responsibility of a long series of offences against the text of Æschylus. We allude to vv. 106—211. (ed. Dindorf), where vv. 106—152. answer to vv. 165—211., eighteen lines of dialogue in each case being followed by twenty-nine spoken continuously. Not perceiving or not recognising this, Hermann first transposes and alters vv. 105—108. (95—98.) in the manner which we have already described, next assumes two *lacunæ* at v. 130. and v. 189. respectively, then takes vv. 201—204. from Electra to give them to the Chorus, and ends with another supposed *lacuna* at v. 208. Here again he has sinned not

facts will not warrant our assuming it as a habitually guiding principle. In the first scene referred to, that which begins v. 208., we see no traces of it beyond the *στιχομυθία* in v. 210. sqq.; for it is only by supposing a line to be omitted after v. 228. that a correspondence can be made out between vv. 221—231. and vv. 232—242.; and even Hermann does not pretend that the final speech of Orestes, v. 266. sqq., has anything to answer to it. The case of the second scene is less defensible: there is a proportion observable in its opening lines, vv. 473—490., as there is later, vv. 520—528., but that is no reason for obtruding it elsewhere; the words *λοισθίου βοῆς*, v. 494., naturally imply that the speech where they occur is really the last: and, finally, which is a fatal objection, Hermann's hypothesis compels him to tamper with the text of v. 504., and reverse the order of the two following lines — lines which he had himself, many years ago, the merit of placing in their true light by a slight emendation, after Porson had failed. These are, we believe, the most important instances of this class of alterations. Our deliberate judgment inclines us to decide against most of them; but it would be uncandid not to admit that, with scarcely an exception, they show a sobriety and thoughtfulness, as well as a sagacity, which command respect even when they fail to procure assent. *Si sic omnia!*

It will not be expected that a critic who has done so much to reform his author by methods comparatively less obvious, at least to recent editors, should have neglected the ordinary means of amelioration by verbal correction. Here, accordingly, as elsewhere, Hermann's activity has been very conspicuous. He cannot be said to have outrun his predecessors to the same degree either in the extent or in the variety of his innovations: that the nature of the case precluded. But the field is a very large, in fact, an unlimited, one: and he has laboured in it as assiduously as any single workman is ever likely to do. We should have been glad to examine this part of his performance more at length, constituting as it does the real substance of his recension — the staple with which *lacunæ* and transpositions and redistributions are interwoven, so closely indeed, that in giving samples of the one we have already been compelled to introduce a specimen or two of the other. To do full justice, however, to all, or even to a considerable part of these novelties,

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only against his author but himself, as the symmetry in question is actually owing to one of the undoubted discoveries made by his own earlier and better judgment, the transposition of the line *κῆρυξ μέγιστε κ.τ.λ.*

would require a commentary as long as Hermann's own, if not longer, as a simple assertion is pretty sure to be briefer than a disproof of that assertion; so we must content ourselves with a handful from each play, discussing some and indicating others, in the hope that our readers will give us credit for a candid and conscientious selection.

One class of alterations we may dismiss at once, though our convictions are not less strong because we are compelled to write shortly — those made for metrical purposes. We are not disposed to challenge Hermann as a great, perhaps the greatest, authority on choral metres, or to deny that the metre in choruses, no less than in dialogues, occasionally suggests a correction of which there can be no reasonable question. These cases, however, are comparatively rare; and where they do not occur, we cannot think that mere discrepancy of metre can justify the introduction of a change, not otherwise highly probable, into strophe or antistrophe. Let the discrepancy be noted, but not remedied, at least in the text. Yet this consideration, obvious as it seems, Hermann repeatedly disregards — more frequently, we are inclined to think, than any one who has dealt with the tragedians since choral metres began to be understood, though we write with a recollection of Dindorf in our minds. We have already glanced at his practice of restoring the metre by a patchwork process, reconciling a spondee and an iambus by putting a new iambus before the one, and a new spondee behind the other. Yet this is better than the common custom of supplanting one word by another, probably not so good, at any rate, not to be accounted for on any sound critical principle, simply because of a want of metrical conformity, real or supposed, in the text as it stands. What can justify the substitution of *στέρξῃς* for *φιλεῖς*, or *φίλοις* (Lachmann's almost certain conjecture), *Supp.* 781.; *δύσοιστον* for *δύσφορον*, ib. 786.; *ἀστραφῆ* for *ἄγναμπτον*, *Prom.* 163.; *μηδὲ τού με κρεισσόνων θεῶν ἔρως προσδράκοι ὄμμ' ἄφυκτον* for *μηδὲ κρεισσόνων θεῶν ἔρως ἄφυκτον ὄμμα προσδέρκοι* (*προσδράκοι*) *με*, ib. 904.; *προλέγων* for *λέξας*, *Pers.* 703.; *κλάγξω δ' ἁρίδακρυν ἰαχάν* for *κλάγξω δ' αὖ γόον ἁρίδακρυν*, ib. 924.; *ὑπορίνεις* for *ὑπομιμνήσκεις*, ib. 960.; *πάγκακον* for *διαπρέπον*, ib. 978.; *καὶ πλέον πλέον μὲν οὖν* for *καὶ πλέον ἢ παπαῖ μὲν οὖν*; ib. 1001., *σαοῖ* for *ὀρθοῖ*, *Theb.* 212.; *κλίδων* for *δαίμων*, ib. 686.; *γαῖα* for *χθονία*, ib. 717.; *μὰψ ἔρχεται* for *παρέρχεται* (*μάψ* being moreover a word unknown to Greek tragedy), ib. 749.; *πεπλαγμένους καὶ δόμοισιν ἐννέπειν* for *πλαγὰν δόμοισι καὶ σώμασι πεπλαγμένους ἐννέπω*, ib. 870.; *πήματα παλμάτων* for *τριπάλτων πημάτων*, ib. 967.; *ἄναξ Ἐτεόκλεις σὺ δ' ἀρχαγέτας* for *κακῶν ἄναξ Ἐτεόκλεις ἀρχηγέτα*, ib.

981.; *ξὺν δορὶ πράκτορι ποινᾶς* for *ξὺν δορὶ δίκας πράκτορι* (*καὶ χερὶ πράκτορι*), *Ag.* 110.; *πέλας πατρῴους χέρας ῥείθροις* for *ῥείθροις πατρῴους χέρας βωμοῦ πέλας*, ib. 197. (Ἀργείων in the strophe having been changed into Ἄργους); *παραλλαγαῖσι* for *παραλλάξασα*, ib. 405.; *προσέμολε* for *προσέβα*, ib. 746.; *καὶ παῖς νεόγονος* for *νεογνὸς ἀνθρώπων*, ib. 1122.; *ὅπως δάκει* for *ὑπὸ* or *ὑπαὶ δήγματι*, ib. 1123.; *φοβερόθροα* for *κακὰ θρεομένας*, ib. 1124.; *στᾶσα τότ' ἐν δόμοισιν ἐριδματος τις* for *ἥτις ἦν τότ' ἐν δόμοις ἔρις ἐρίδματος*, ib. 1428.; *ἢ μέγα δώμασι τοῖσδ' αἷμονα* for *ἢ μέγαν οἴκοις τοῖσδε δαίμονα*, ib. 1449.; *παρῇσι φοίνιος διωγμός* for *παρῆλς φοίνισσ* (*φοινίοις*) *ἀμυγμοῖς*, *Cho.* 24.; *καθαρσίοις ἴοιεν ἄν* for *καθαίροντες ἰοῦσαν*, ib. 65.; *τάνδ'* for *δοῦλιον*, ib. 68.; *μὴ 'μαῖς* for *μὴ δίκαια*, ib. 73; *δίπαις δέ σ' ὄδ'* for *δίπαις τοῖς* (*τοί σ'*), ib. 330.; *τὰ δ' ἄλα' ἀμφανεῖ χρῄζων* for *πολλὰ δ' ἄλλα φανεῖ χρῄζων κρυπτά*, ib. 802.; *νέον ἅλμα* for *ὑφ' αἵματος νέου*, *Eum.* 354.; *αὖ φρενῶν ὁ πάμφιλος* for *φρενῶν ὁ πᾶσιν φίλος*, ib. 527.; all of which are inflicted on the text of Æschylus, and form part of the recension? To argue against them severally would be quite needless, even if we had space to do so: to enumerate them is to pronounce their condemnation.

We will now turn to the seven plays in succession, and notice some of the more remarkable of the emendations, without attempting to classify the grounds on which they have been introduced. The order we follow is Hermann's own.

The *Supplices*, as we have already remarked, is the play where Hermann's critical power appears to us to be displayed to the best advantage. It had been finally revised by him, and was about to be published, when his fatal illness intervened, so that Haupt concludes, with some show of justice, that if the same benefit had been extended to the other plays, they would have profited by it in the same proportion. What difference was actually made by this final revision, we are not informed, and of course cannot divine: meantime we suspect the superiority of this part of Hermann's labour to be greatly owing to the fact, that the play is one for which less has hitherto been done than any other of the seven; recent critics, from an exaggerated notion of the hopelessness of its corruptions, having mostly declined to touch it. As a matter of fact, we find that no play contains so many instances in which he has been anticipated by other scholars in the publication of his suggestions, if not in the suggestions themselves. The correction *ἀγνὸς — Στρυμων τὸ πρὸς δύνοντος ἡλίου* for Ἄλγος Στρυμών τε (v. 241.) is due, as Dindorf tells us on the authority of Dr. Gaisford, to J. Wordsworth, who also discovered *τὸ* to be the original reading of the Med. MS. *Οἰκτίσας, ἰδὼν τάδε* (v. 470.) was pro-

posed ten years ago by Linwood in his Lexicon. Πρὸς πόλεως, in v. 603., which is restored summarily in the place of the old πρὸ πόλεως ('Id hic nihili est. Quare correxi.'), belongs to Paley, or rather to a writer in the 'Quarterly Review'* forty years back. Ἄγ γύαλα (v. 534.), and πολύψαμμον (v. 836.), are again Paley's. Notice has already been taken of some instances of partial coincidence between Hermann's views and those of a contemporary reviewer, the latter of which appeared just before the publication of this edition. Other coincidences, of more or less importance, occur in v. 97., where Hermann extracts δι' ἄνοιαν from the Scholiast, though he does not adopt it; v. 617., τὰν ἄχορον for τὸν ἄχορον; v. 926., where they agree in recognising the truth of Bothe's εἰ θυμός ἐστιν for εὖ θυμόν ἐστιν, though ignored by all subsequent editors, its original promulgator included; and vv. 958-9., where the restorations proposed are precisely the same, except that Hermann alters ἐμοῦ into θέμις, and the reviewer into νόμος.† This list, we are bound to say, absorbs a considerable proportion of the cases of successful treatment which distinguish the *Supplices* from the rest of the edition, and doubtless it might have been increased if the play had been as frequently handled as others. Another fact which militates against Haupt's assumption is, that in the case of the *Eumenides*, where we are able to compare the Hermann of 1836 with the Hermann of 1848, the difference is by no means invariably in favour of the latter, whom advancing years appear to have made subtle rather than sagacious, increasing his scepticism without improving his faculty of reconstruction. But we must leave our readers to judge for themselves, and turn to the *Supplices* in detail. Βαθύτιμοι for βαθύτιμοι, v. 24., is a futile correction, as, though we quite agree that the sense requires honoured heroes, not avenging gods, that sense is equally possible with the old reading, which, besides, is a word already existing in the language with a kindred signification. Γονέων, instead of τά τε νῦν, v. 50., is bolder, and not more necessary, νῦν being obviously confirmed by πρόσθε, and τε the favourite Æschylean construction with a finite verb after a participle, which Hermann himself was the first to point out (*Ag.* 97., and Hermann's note). On the other

* See an article on Butler's Æschylus, in 'Quarterly Review,' vol. iii. The same writer has there anticipated one of Wellauer's happiest emendations, τὸν γάϊον, v. 138.

† For some additional instances we may refer our readers to Mr. Burges' 'Appendix to the Prose Translation of Æschylus, published in Bohn's Classical Library,' which we have only seen since this article was written.

hand, *γαιονόμοισι δ'*, v. 51., is happy, and deserves attention, though the word is an unknown one, and the counter claims of Porson's *ἄτ' ἀνόμεν' οἶμαι* rather strong. In v. 59., *ἀπὸ χλωρῶν πετάλων ἐγρομένα* takes the place of *ἀπὸ χώρων ποτάμων τ' εἰργομένα*, with the remark, 'a quibusdam locis? et num aquatilis 'avis est luscinia?' interrogations which will rather surprise scholars, who know that *χώρων* is synonymous with *ἠθέων*, as in Apoll. Rhod. 2. 1242. (actually quoted by Schütz), Soph. *Trach.* 144., and lovers of poetry, who remember the nightingale which, though not a waterfowl, sings all day long by Bendemeer's stream, and those which in Sophocles' celebrated chorus about Colonus form part of the same picture with the springs of the Cephisus. *Νέοικτον οἶτον* for *νέον οἶκτον*, v. 60., besides being objectionable, as introducing an unauthorised word, is a correction which might have been avoided by adopting Bamberger's far simpler emendation of the strophe. *Δεῖμα μένουσα* for *δειμαίνουσα*, v. 68., is another change of the same kind, spoiling a good reading in the strophe when the MSS. rather point to a corruption in the antistrophe. *Στέγοντες*, v. 73., is far worse than *στυγοῦντες*, which is exactly paralleled by v. 512. Of a very different sort are the two next corrections, *νόμοις*, v. 73., and *ἰθείᾳ*, v. 78., both highly plausible externally and internally, though not free from all doubt, and proposed where change really seems required. We soon, however, come again to rash and ill-considered conjectures, such as *βίαν δ' οὔτις ἐξαλύξει τὰν ἄπονον δαιμονίων*, v. 88., *μνῆμον*, v. 90., *Ἄρτεμις*, v. 128., *ἀσχαλῶσ'* v. 130., of which the best thing that can be said is that they are not worse than the corrupt text which they supplant. *Γυνή*, v. 187., *ἐχθρῶς ὅμαιμον καταμιαινόντων γένος*, v. 212., *συνήσεται*, v. 230., *καὶ τἄλλα πού μ'*, v. 231., are changes of a more wanton kind, apparently for change's sake. *Μηνιταῖ' ἄκη*, v. 253., is a sufficiently bad guess, doubtful in point of language, not very appropriate in point of sense, and coming, too, where more than one good guess has been made already. *Ἀντήσας*, v. 309., has at first sight some plausibility, as it is actually found in the margin of the MSS., and Soph. *Ant.* 981. is quoted for the supposed use of *ἀντάω*; but the voucher itself requires vouching for, and the epithet *Ἀργεῖον* is, we think, fatal to the new view. *Φιλῶν* for *φίλους*, v. 322., again, is an attempt to correct what has already been corrected with greater probability; but we incline not to accept either change, as both assume that the answer required to v. 321. is not *τὸ μὴ θέμις*, which the context seems to point out, but *κατ' ἔχθραν*. V. 431. is a difficult part of a difficult passage; few, however, we suspect, will agree with Hermann that Æschylus began a line with *μὴ ἀλγεῖν ἄ*, and that

ἀλγεινά is a correction due to the better taste of a transcriber. Δακνιστῆρα, v. 449., is a new coinage, and one not very well adapted for currency, even if the old reading were not defended by Hesychius. Ἄψ, v. 465., like μάψ, is an obtrusion on the tragedians of a form to which they were not partial, without any warrant from the sense, which requires *forthwith*, not *again*. Πολυξέστους, v. 480., is a reading which, on all accounts, ought to have been kept out of the text, as it pretends to be nothing more than a *locum tenens* for the lost word which the repetition of πολισσούχων has extruded. Ἀνάρκτων for ἀνάκτων, v. 498., was quite worth recording; but, though the Chorus might speak of themselves as ἄναρκτοι in the absence of their father (comp. v. 11.), the King would not naturally do so, and the words, so corrected, being in the form of a general sentiment, could hardly refer to anything but the terror produced by political anarchy, a very different thing. Γεναρχᾶν, v. 515., is extremely ill-advised, the word being itself unwarranted, and the objection to the common text, τὸ πρὸς γυναικῶν, founded on a misunderstanding of its meaning, which is not 'the woman's descendants,' but 'the woman's cause,' opposed to ἀνδρῶν ὕβριν. Ὄρων, v. 535., is a good correction, and one which should have been made before, being found in the margin of the Escurial MS., and naturally suggested by the old reading ὀρῶν, to which it is certainly preferable. In v. 540. Hermann is so far right that a participle seems to be wanted agreeing with Io and constructed with βέλει; but after saying 'talia complura inveniri possunt,' he ought never to have assumed that Æschylus wrote a word so remote from the reading of the books as ἐγκεχριμένα. Δύα for βία, v. 560., and ἀποσχάζει, v. 562., are both worse than useless. The poet intended to contrast the violence of Io's madness with the tranquillising power of Jupiter, while the shedding of womanly tears is, with great truth, made the first sign of recovered humanity. A few such instances as this go far to discredit a critic's capacity for entering into the feelings of his author. But we shall weary our readers if we run even thus rapidly through the rest of the play: so we will simply commend to their attention three of Hermann's better thoughts — but a small percentage, we fear, on the whole — φλεόντων for φλεγόντων, v. 643., θάλοιεν for λάθοιεν, v. 663., and στυγερῶν for στυγερόν, 1003.; the second as plausible, the two others as nearly certain, though we are not sure what ought to be done with γαμόντων, v. 642., and quite sure that προβούλοις ought not to have been thrust, *ex more Hermanni*, into its place.

The changes in the text of the *Prometheus* are fewer, and generally of much less importance. Ὑπερτέρους for ὑπερέχοντας

or *ὑπερσχόντας*, v. 215., and *φίλοισιν οἰκτρόν* for *φίλοις ἀλεινόν* or *ἀλεινός*, v. 248., are sufficiently infelicitous attempts to extract something totally new from slight MS. variations which have long since been understood and accounted for. *Πᾶσι δ' ἀντέστη θεοῖς*, v. 356., is perhaps as good as any correction of *πάσιν ὅς* that has been proposed, though it is not satisfactory, being one of those which rather cut than solve the knot. *Προσσελούμενον*, v. 439., is a conjecture which almost attains to the dignity of a hypothesis, and as such has to be unfolded in a very long note; but the argument turns too much on other conjectural corrections to be more than probable, and it may be questioned whether the data are such as to warrant any conclusion approaching to certainty. *Φύσεις*, v. 459., may suit *δυσκρίτους* better than *δύσεις*, but *ἀντολάς* makes it sufficiently clear that, of the two, Æschylus must have written the latter, the similarity of the words constituting, in fact, the strongest argument against the alteration. *Ὀδούς* would be far more likely, if an error on the part of Stobæus were not more likely still. The change in vv. 474-5., by striking out *πλανᾷ* after *φρενῶν*, and inserting *κακοῖς* before *ἀθυμεῖς*, perhaps need hardly be even thus cursorily mentioned. *Ἀφνίδια* for *αἰφνίδιος*, v. 681., would be probable enough, if there were no other corrections equally easy of a reading which has not yet been proved to be indefensible. *Κατουρίσας*, v. 969., is ingenious but not necessary, as the common reading is quite as good, and sufficiently supported even by those MSS. which do not actually contain it. Nor can we conclude by giving in our adhesion to the new emendation of the oft-emended line, v. 1061., *εἴ γ' οὐδ' εὐχῇ τι χαλᾷ μανιῶν*, not believing that Prometheus' speech would be called *εὐχή*, except in the sense of a boast, with which *οὐδέ* would not agree, and feeling some difficulty about *εἰ οὐδέ* as the less usual construction, even after the dogmatic assertion, which we had hardly expected to hear from the annotator on Viger, that *εἰ μή* can only mean *except* or *unless*.

Turning to the *Persæ* we are met at once by a rather startling change in the very difficult words *νέον δ' ἄνδρα βαΰζει*, v. 13., *νέον* being turned into *νέων* so as to be constructed with *ἰσχύν ἄνδρα* expunged, and *δὲ βαΰζει* transferred to v. 11., where we are told to read *ὀρσολοπεῖται θυμός, ἔσωθεν δὲ βαΰζει*. Fortunately Hermann has himself supplied us with language which may seem to characterise such an alteration, in speaking of a much more modest conjecture of Valckenaer's: 'Audaciorem 'manum, sed parum feliciter, admovit. Doleas hic, ut non 'semel alibi, obrutum doctrinæ copiâ judicium viri præstantissimi.' *Πήδημ' ἅλις εὐπετῶς ἀνάσσων*, v. 96., is a needless correction,

originating in a mistaken preference of Turnebus' *ἀνάσσων* to *ἀνάσσων*, the reading of the MSS. *Φραστός*, v. 164., is an unknown word, and the objection to *ἄφραστος* is mere special pleading, as Atossa might well say that there was an unspeakable division in her mind (*μέριμνα* apparently used in its strict sense), referring to the two clauses that follow. *Οἶδε ναὸς ἐν μιᾶς πέσος*, v. 308., is an ingenious but scarcely probable way of getting rid of the unaugmented aorist, which we fear must be allowed to remain, unless the whole line be judged spurious. *Καυχήμασιν*, v. 422., is a purely wanton innovation, as there is no call whatever to connect *κακύμασιν* with *ὁμοῦ*. Meantime it is right to mention that in v. 461. Hermann defends the common reading *εὐαγῆ* in a very long and very learned note, which is, in fact, a monograph on the subject. In v. 762. we see no reason to think that Æschylus wrote *ἐξερήμωσεν πέσος*, (*ἐξερήμωσεν* too without an augment!) when the MSS. tell us that he wrote *ἐξεκείνωσεν πέσον*. *Ἐκκεινόω* may very well have been one of those Ionicisms, like *μοῦνος*, in which the tragedians occasionally indulged, especially in a case of metrical necessity, and *πέσον* is sufficiently defended by the ordinary use of *πίπτειν* for the happening of an accident. In v. 817. Hermann entirely fails to overthrow Schütz's most felicitous correction, *ἐκπιδύεται* for *ἐκπαιδεύεται*, which has been deservedly embraced by every succeeding editor. *Κρῆπις* is a foundation, but that does not prove that it must mean a beginning, when everything else, the clause itself included, suggests the notion of an end. Indeed, if it be taken as a beginning, it is hard to see what sense is to be put upon the passage, or how it accords with Hermann's own *ἐκμαιεύεται*. *Παιδὶ πειρασώμεθα*, v. 852., is a most reckless endeavour to avoid the elision of the final iota, with no excuse beyond a slight variation in the MSS. The changes in the remainder of the play we have already glanced at more than once. Generally they are of the most violent kind, but one or two deserve more respectful mention, such as *ἀδοβάται* for *ἀγδαβάται* or *ἀδαβάται*, v. 904., which, by a mistake, has hitherto been attributed to Passow, and *δέδρακεν* for *δέδορκεν*, v. 978.

The alterations in the early part of the *Septem contra Thebas* are chiefly metrical, and of no great moment, being happily slighter than usual. Perhaps the most ingenious is *ἀπύᾳ* for *ἀΰτᾶς*, v. 132., though the explanation of the scholiast, as has long ago been seen, certainly points to a different reading. Not less ingenious is *τῳ γυναικείῳ φυτῷ* for *τῷ γυναικείῳ γένει*, v. 169., from *φίλῳ*, or *φύλῳ*, a gloss or various reading in some of the MSS.; but the common reading must not be set down

as indefensible, being supported by v. 239. 'Ορμαίνει, v. 375., is summarily declared to be neither a tragic word, nor appropriate in sense, and ὀργαίνει substituted. The first assertion is disposed of by *Agam.* 1348., where Hermann intrudes ὀρυγάνει, a doubtful word from Hesychius: the second we are surprised to see hazarded, as impetuous agitation is precisely the notion wanted. In v. 557., Hermann follows in the steps of Dobree, deviating from him, however, so far as to read καὶ τὸν σὸν αὖθις ἐς πατρὸς μοῖραν κάσιν, a most suicidal course, as if Dobree's view of the kind of corruption which has taken place in the line is right, there cannot be two opinions about the singular felicity of his restoration, which virtually accounts for every letter of the original. Χαλαρωτέρῳ, v. 688., for θαλερωτέρῳ, is plausible; if, however, any change is necessary, we should prefer θελεμωτέρῳ, as agreeing better with the explanation of the scholiasts, ἡμερωτέρῳ, χαριεστέρῳ, μαλακωτέρῳ (θέλεμον· οἰκτρόν, ἥσυχον, Hesych.), and with the reading of the Med. MS. θαλλωτέρωι, where the letters αλ stand in the place of an erasure. One of the MSS. gives θαλερόν, for θέλεμον, *Supp.* 997. Νίκη . . . καὶ κακόν for νίκην . . . καὶ κακήν, v. 697., is uncalled for, νίκη κακή standing for a dishonourable victory—here for a victory where the victor does not risk his life (compare vv. 664-6.), in *Eum.* 890. (where Hermann wrongly reads νείκης) for a victory obtained in civil war. In v. 744. there is great probability in Ἄρει, which is found in the margin of our MS.; but it is too much to say of the common reading, 'frigi-'dissimè, imo turpissime additum est εὖρει.' Τεθρυμμέναι, v. 773., is much worse than τεθραμμέναι, the latter being simple, while the former would be frigid. It says little for Hermann's judgment, that he should have been apparently misled by a tasteless suggestion of one of the scholiasts, who was simply anxious to extract more meaning out of τεθραμμέναι than it was meant to contain. Hermann might have seen, too, that φορούμενοι, v. 801., could easily be explained by a reference to v. 671., φορουμένοι κατ' εὐχάς being like φορουμένοι κατ' οὖρον, according to a very natural metaphor. His own word, φρουρουμένοι, independently of the harshness of the active usage, would cohere but indifferently with κατ' εὐχάς, which, from its position, ought to qualify it. The rest of the play we may pass over, as in the case of the *Persæ*, and for the same reason, having already adverted to it in speaking of the alterations made for the sake of metre.

The *Agamemnon*, as was to be expected, has produced various corrections of more or less consequence, though not to the same extent as the *Supplices*. The first, τί μήν; for ἐμήν, v. 14.,

is altogether superfluous, the objection to the position of ἐμήν being answered by v. 1185. Κρῖναι for κρᾶναι, v. 136., though a slight change, is not recommended by the sense, as Artemis would more naturally ask Zeus to fulfil the omen, than Calchas to interpret it. Οὐ λελέξεται, v. 158., is unlikely, interfering as it does with the natural rendering of πρὶν ὤν, 'in that he is 'of the past.' In v. 230., ἔμελψεν is pronounced 'aperte 'ineptum,' and ἔμιχθεν substituted, but the argument against the old reading tells, in fact, strongly in its favour. If singing at feasts in the time of Æschylus was confined to immodest women, we see at once why he should have discriminated Iphigenia by the words ἁγνᾷ and ἀταύρωτος—a remark made, if we remember rightly, by Paley. In v. 313. Hermann substitutes τεκόντων for γερόντων, asking why old men should be mentioned among the slain, as if such an event were not at once likely to happen during the sack of a town, and likely to be mentioned by a poet who felt the pathos of his subject. Ἀλήμονες, v. 321., strikes us as a very bad conjecture, departing considerably from the old reading, and yielding a sense which, whatever may be its intrinsic value, is quite inconsistent with the feeling of the passage, and with the tone of Clytæmnestra. Hermann, indeed, half rejects it himself, after sanctioning it with the official 'scripsi,' adding 'incerta tamen res est,' and going on to propose ἀδείμονες. ὡς δ' εἰδαίμονες, Stanley's emendation, is, we have little doubt, the right reading, though δυσδαίμονες, the word of the MSS., might very well be explained with reference to the previous sufferings of the Greeks, such as the Herald afterwards describes, if only it stood by itself, or could be brought into construction with the words about it. Ὅπερ τὸ βέλτιστον, v. 362., is altogether needless; the Chorus was not called upon to characterise retribution as the best thing possible, and the sentiment does not naturally cohere with what follows, at the same time that the sense of the old reading is perfectly just and appropriate. Vv. 394-5. Hermann pronounces to be 'non adeo conclamati quam visum 'est criticis,' having a new restoration, πάρεστι σιγᾶς ἀτίμους ἀλοιδόρους αἴσχιστ' ἀφειμένων ἰδεῖν, to supersede the one which he formerly proposed. Here, as elsewhere, we fear he is too sanguine, and doubt whether 'beholding the dishonoured, yet 'unreproachful silence of the deserted,' though not unpoetical, is the thought required to unite the two sentences which respectively precede and follow it. Ἴσθ' for ἦλθες, v. 489., is a happy correction, as ἦσθ', the other possible reading, accounts neither for ἦλθες, nor for the accusative, παρὰ Σκάμανδρον. Hermann might have compared Horace's *Lenis incedas.* In

v. 517. the attempt to overthrow *τεθνᾶναι* is a bold one, in the face at once of grammatical authority, which may testify to a fact even when it cannot account for it rationally, and of the line as it appears in the MSS. The new line, *χαίρω, θεοῖσι τεθνάναι δ' οὐκ ἀντερῶ*, may certainly be recommended as a means of escaping the supposed false quantity, but that is all. 'Confidenter posui *στύγος φρενῶν*' (v. 525.), is not very wisely said, when no plausible explanation is afforded for the corruption of *φρενῶν* into *στράτῳ*. The carelessness of a copyist would, at most, only prove that *στράτῳ* is wrong. *Παμένος κακοστρόβου*, v. 635., could hardly, in the present position of the words, be constructed with *τυφῷ*, and the sense which Hermann requires is at least as well given by the old reading. In v. 640., *ἐξηρήσατο* is so far probable that it would cohere well with *οἰακὸς θυγών*; but there is nothing absurd in saying that a god may have begged the ship off, any more than in saying that he may have stolen it away, as any reader of the Iliad or Æneid may see. *Ἀγαισιν*, v. 704., is a *vox nihili*, and one which, if it existed, would scarcely be defended by *ἱερεύς τις ἄπας* just below. Of vv. 736-7. Hermann says, 'improbabilia multa de 'his versibus prolata sunt, neque nunc probo quæ ipse olim 'proposui.' Had he lived to revise the *Agamemnon*, he might have said the same of his latest attempt, *νέᾳ ῥαφῇ* for *νεαρὰ φάους κότον*. Blomfield long since pointed out that no correction would be true, or even probable, which did not introduce an opposition between the new *ὕβρις* and the old. *Χρεῖος*, v. 784., a very neat emendation, if emendation be required, was proposed by Symmons thirty years ago. This Hermann ought to have known, as in his notes on vv. 10. 1531., he mentions Symmons's work. *Ἐφραξάμεσθα* also, v. 790., had been already published by Paley, whose edition, as appears from v. 338., Hermann had likewise seen, though probably not till after the commentary had been completed. *Θυηλαί*, however, v. 786., is a restoration of undoubted originality, and scarcely less undoubted certainty. The common reading, *θύελλαι*, introduces a disturbing metaphor, which moreover, as Hermann remarks, would scarcely be applicable to a city already captured. Vv. 863. 867. bring us to two gratuitous and improbable alterations, *βουστάθμων* for *τῶν σταθμῶν*, and *γαληνόν* for *κάλλιστον*, intended, so we are informed, to set right a passage of Shaksperian exuberance of imagery. *Δείσασαν*, v. 900., we do not presume to characterise, as we do not understand it. In v. 909., *ἢ οὐ καὶ σύ*, is founded on a misconception of the sense, which is, as Paley has shown, 'do you too value this kind of victory (*τὸ νικᾶσθαι*, the victory which goes against you)?' *Χρόνος δέ*

τοι for χρόνος δ' ἐπεί, v. 950., does not seem to us to remove the difficulties of a difficult passage. Τὸ πᾶν for τοι, v. 965., would be plausible, if the same words had not immediately preceded. Τέλλεται for στέλλεται, v. 1092., is good, but perhaps not better than the common reading, which expresses the Latin, 'vox 'missa ex adytis,' and agrees well with φέρουσιν just below. Θροεῖς—ἐπεγχέας, v. 1096., is altogether unlikely; γάρ would have no meaning, and the Chorus had not yet been mourning for Cassandra, much less mixing her lot with that of any other person. Ματήρ, v. 1229., is a thoroughly perverse suggestion: the word only exists in Hesychius, and its signification is not very appropriate here, while μάτην is easy and natural. In v. 1281. the objection to ῥῆσιν ἢ θρῆνον is futile, as the words, though simple, are not feeble or foolish, and the correction, οὐ θρῆνον, is inapplicable, as Cassandra may fairly be supposed to chaunt her own dirge in the words ἰὼ βρότεια πράγματ' κ. τ. λ., where, under the form of a general sentiment, she describes the two changes to which she has been doomed, from prosperity to adversity, and from adversity to extinction. Πᾶς τις, v. 1334., belongs not to Hermann, but to Bothe, and proceeds, moreover, from a mistake of the meaning of the words ἐχθροῖς ἐχθρὰ παρσύνων. Again we pass over the conclusion of the play, stopping merely to notice a singular piece of criticism on vv. 1531—1533. Hermann had long since corrected ῥᾶον into ἀραῖον, which succeeding editors at once received, supposing the sense to be 'who can drive out the cursed brood (or brood of 'curses) from the house?' a most natural sentiment, and confirmed by vv. 1145. sqq., by the following speech of Clytæmnestra, and indeed by the whole scope of the play. It now turns out that he meant the passage to be understood 'who 'would drive out his daughter to destruction?' with reference to Iphigenia; and, accordingly, he bids us read κεκόλληται γένος προσόψει, 'a child is allied to its parents by likeness of 'feature,' sneering at those who have adopted Blomfield's πρὸς ἅτᾳ as having neglected to explain wherein its appropriateness consists. Probably they did not think it necessary; but they will now see themselves to have been mistaken.

No part of the volume has disappointed us so much as the commentary on the *Choephoræ*, though no play stood more in need of explanation and correction. Hermann's early services to the play led us to expect far better things. Τορὸς δὲ φοῖτος, v. 31., is unlikely, as the parallel passage, v. 917., points to φόβος, as does the Scholiast. Δακρύων ὑφειμάτων, v. 73., is a forced and unnatural construction substituted for an easy and obvious one, to satisfy an apparently unfounded crotchet about

the metre. Ἁπλώστι for ἁπλῶς τι, v. 112., is another gratuitous coinage. Εἶτα for εἶχε, v. 195., introduces a harsh construction, on the ground that εἶχε cannot be put for ἐδύνατο. That εἶχε in a connexion like this is virtually equivalent to ἐδύνατο is clear from *Prom.* 475., *Supp.* 362. The matter is a very simple one: the infinitive is really an accusative after ἔχω, which bears its ordinary sense. Τὰς δ' αἰνῶν νόσους for τάσδε νῷν νόσους, v. 276., is a superficial attempt to remove one of the difficulties of a passage which requires a very different remedy, to say nothing of the interposition of a participle between the article and substantive. Δριμυστάκτου for δριμὺς ἅπτει, v. 387., is a corruption of a sound text to satisfy the supposed metrical requirements of the antistrophe, the outlines of which had been satisfactorily established by Blomfield. The Chorus vv. 579—638. is made the *corpus vile* for many unsuccessful experiments, some of them, such as βρύουσι, πλάθουσι for βροτοῖσι πλάθουσι, βλαστοῦσι, λόγῳ . . . φράσει for λέγοι . . . φρέσιν, spoiling a good text, others, such as that in v. 614—620., where ἀκαίρως δέ is turned into ἄκαιρος δ' ὁ, ἐπικότῳ σέβας into ἐπικλύτῳ σέβων, τίων (τίω) δ' into τίων τ', and the whole into one vast parenthesis, not improving a bad one. Ὀμπνίων for ὀμμάτων, v. 657., is another of those words which we are sorry to see obtruded on Æschylus on the authority of Hesychius. Ἐκπαθῶς, v. 677., which is meant to convey a double sense, would be exceptionable, even if Bamberger's εἶπας ὡς were not demonstrably right. For θετοσκυθρωπόν, a most happy emendation of v. 725., we have to thank Erfurdt. Γ' εὐδούσῃ for γηθούσῃ, v. 759., is another change equally deficient in external and internal probability. Εὐδούσῃ φρενί has great propriety and beauty in the well-known fragment of Sophocles, but γηθούσῃ is much more suitable here, and in keeping with φρονεῖς εὖ. Most of the remaining alterations in the play affect the metre rather than the sense. There is, however, an emendation in v. 1046., introduced in full confidence that it alone is worthy of Æschylus, ποῖαι γυναῖκες αἵδε instead of δμωαὶ γυναῖκες, αἵδε. 'Quis 'vero sibi persuadeat Orestem, quum Furias conspicere sibi 'videtur, tam frigida uti posse chori compellatione? Hæc 'tantum dignam Æschylo vim habent.' Tastes differ; but to us the simplicity of δμωαὶ γυναῖκες appears quite natural, while γυναῖκες, as applied to the Furies, would strike us as feeble, and we like the abrupt αἵδε, 'here they are,' or 'look at them 'here,' better than the regular ποῖαι, 'who are these?' The priestess in the *Eumenides* calls them γυναῖκες, and then correcting herself, compares them to Gorgons: but in the sense of Orestes the full horror of the impression has to be expressed at once.

The last play on the list, the *Eumenides*, comes only partially under our consideration, as we have been obliged to confine ourselves almost entirely to noticing how new matter and the bulk of this part of the commentary had substantially been given to the world in the review of Müller, of which mention has more than once been made. In v. 21. Hermann now returns, as Dindorf has returned, to *προναία* or *προνάα*, which seems to be established beyond a doubt by two Delphic inscriptions, greatly, we confess, to our satisfaction: he changes, however, *ἐν λόγοις* into *εὐλόγως*, apparently ignoring the distinction between *εὐχή* and *λόγος*, and thus asserting for Pallas an absolute, not a relative preeminence, contrary to the purport of the speech. *Μεγιστοσωφρόνως*, v. 45., appears almost an impossible compound, having nothing in the context to justify it, whereas in *Supp.* 679. *μεγιστότιμος* may be said to be demanded by the strength of meaning. In v. 95., the MSS. reading *ἐκνόμων* is restored, and explained with great probability by a gloss in Suidas and Zonaras as equivalent to *παρανόμων*. *Τῷδ'*, v. 142., is quite out of the question at the end of a verse, especially as it appears to involve a transposition of the two following lines. *Ἐκείνου*, in v. 177., is now changed into *ἔστιν ὅν*, the effect of which is to dispel any lingering feeling in favour of *ἔστιν οὗ*, and establish the certainty of Scholefield's *ἐξ ἐμοῦ*. *Ἥκέ σοι*, v. 212., is an ingenious conjecture, but less likely than several already in the field. *Ψόγῳ* for *λόγῳ*, v. 226., was a change not worth making. *Τῶνδε δαιμόνων*, v. 299., for *δαιμόνων σκιάν* is unlikely in the last degree: Hermann, however, has done well to abandon his former punctuation, which connected *δαιμόνων* with *σκιάν*. The truth is, *βόσκημα δαιμόνων* is not to be taken actively, the food of gods, but passively, the fatted victim of the gods, which, unlike man's victims, is prepared for sacrifice by torture and exhaustion. This gives force to *ἀναίματον*, and agrees with *τραφείς* and *ζῶν με δαίσεις*. *Μαυροῦμεν νέυν ἅλμα*, v. 354., independently of the strange violence which it does to the text, yields a very harsh sense, as explained in the note, 'obscuramus quamvis validum adhuc juvenilem 'saltum.' If we must choose between two arbitrary alterations, *νέον αἷμα* was certainly the better. *Μοῖρ'* for *θεῶν δ'*, v. 356., is a further piece of boldness which it is scarcely a matter of congratulation that Hermann should have lived to achieve. In vv. 465—467. we are now told to read *δρόμοις* for *ὅμως*, *ἐμοῖς* for the second *ὅμως*, omitting *δ'*, after Linwood and Franz, and *δ' αἰδοῦμαι* for *σ' αἰροῦμαι*; none of them quite satisfactory, though all are ingenious, and the correction *αἰδουμένους* for *αἰρουμένους* is one which may possibly require to be made just

below, v. 474., on a comparison of v. 702., where the variation is found in the MSS. Τὸ δεινὸν αὖ τις. . . . δειμανεῖ, v. 510., is less probable, because inviting a greater change than Hermann's previous correction, δεῖ μένειν. Κἀμοίγ' ἄρωγούς for πέποιθ', ἀρωγὰς δ', v. 588., is utterly without authority, and certainly cannot be proved from the Scholiast, who is merely commenting after his own fashion. Τί γάρ, v. 593., is not wanted, if only the line is rightly understood as conveying a taunt. Ἀσμένῳ μένει, v. 642., would be awkward in any poet: ἀσθμαίνων μένει is highly characteristic in Æschylus. Δαΐων σταλαγμάτων . . . . αἰχμάς, v. 791., is very questionable, though we profess neither to explain nor to correct δαιμόνων σταλάγματα. Οἰχνεῖν is, we think, less forcible than οἰκεῖν, v. 825., as the Furies would naturally dwell rather on their dishonoured state than on their dishonoured exit. In v. 947., Hermann seems to have given up his own certain correction, θεαὶ τ' ὦ, for the old reading θεαὶ τῶν, supposing that he has identified the hitherto unknown ματροκασιγνῆται of the Fates with the Charites and the Hours: but it is not quite certain what was his final view. That he should have changed is only too likely; and that he should treat an indubitable correction of his own as he had accustomed himself to treat the indubitable text of his author, was at any rate a just retribution.

We have now finished our remarks, which have been as irksome to ourselves as we fear they must have been to our readers. We could hardly have expected to avoid a great deal of tedious detail; but wider limits would have enabled us to vary our critical phraseology by illustration and discussion, which relieve dogmatic statement while they substantiate it. Our object has been not so much to dwell on the particular instances in which Hermann appears to us to have failed most signally, as to justify the expressions of general disappointment with which we set out, and which represent our most abiding feelings. It is indeed a disappointment to those who have not only been students of Æschylus, but admirers of Hermann, to turn over page after page and to find scarcely anything of moment added to their knowledge of the language or the thoughts of their favourite poet. Hermann has, we repeat, done much in his day to make us understand Æschylus; but it now appears that nearly all his wisdom found its way to the world in his lifetime, and that the remainder, from which we were told to hope so much, copious as it is, and great as are its pretensions, contains comparatively little that the next generation is likely to quote, except to point the ordinary moral of the delusions to which eminent men occasionally surrender themselves. That moral

we will not enforce, but rather turn to the more gratifying reflection, that the results of criticism do not depend on individual infallibility. No writer can be named in whose case this truth has been exemplified more forcibly than in that of Æschylus. Though he is essentially one of the most difficult of ancient authors, and accidentally one of the most corrupt, yet the study of three centuries has, we would hope, fathomed most of his thoughts, unravelled most of his intricacies of language, and corrected most of the errors of his text; and for this we have to thank not any single scholar of surpassing intellect or acquirement, but a long series of labourers widely differing in capacities — a series which includes Pauw as well as Stanley, Scholefield as well as Porson.

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ART. IV. — 1. *Correspondence with the Governor of the Cape of Good Hope relative to the state of the Kafir Tribes.* Parliamentary Papers. May 31st, 1853.

2. *Further Correspondence relative to the state of the Orange River Territory.* Parliamentary Papers. May 31st, 1853.

3. *Report of Select Committee of the House of Commons on the Kafir Tribes.* August 2nd, 1851.

4. *Further Correspondence relative to the state of the Orange River Territory.* April 10th, 1854.

Two years ago Kafir Blue Books had doubtless much greater attractions than they have now. Then Cape news interested us. The Chancellor of the Exchequer was forced to keep his Budget an open question, dependent on the Cabinet Council of the Kafir Chiefs; and upon their plan of operations was formed the campaign of the tax reformers for the Session. Then tax-payers were wondering how long British troops would be kept at bay by a band of naked savages — ill-armed, and not very superior in numbers: and 'Friends of the 'Black' were becoming more and more fearful lest American slave-owners should ask them whether, after all, it was so much worse to own a black man, than to spend millions in clumsy but desperate attempts to kill him. Not only our pockets, but our military glory and our philanthropy, — our pet pride and our pet virtue, — were at stake in the Kafir war.

Now, however, not only has the Kafir war for several months been ended, but in the excitement of *the* war, it may well be forgotten. Philanthropy to either Blacks or Whites is, we fear, scarcely the fashion of the day; and to fight the

Russians we gladly give Mr. Gladstone more money in a month than we should have grudgingly doled out to him for a year's expenditure at the Cape.

Nevertheless a little war will not be less vexatious or burdensome, but more so, because a great war is raging at the same time; and it may be well, therefore, to bear in mind that this last Kafir war was not the *first*, but the *fifth* since our conquest of the colony from the Dutch,—each war more prolonged, more costly, and more destructive than its predecessor. There are many persons, and not a few of them practical men, who think that the only security against these Kafir outbreaks would be the extermination of the Kafirs; if so, our position is still not a little dangerous, for with all our expenditure of men and money we are not supposed to have succeeded in killing off more than at most twenty per cent. of the Gaika Kafirs, and the fighting men of this tribe—the one which bore the brunt of the last war—are said to be not ten or even five per cent. of the Kafirs who might fight us. Let us then try to turn our thoughts for a time from the Black Sea and the Baltic to the Cape, in order to consider how far it is probable that this fifth war will be the last, and that we shall not be compelled to send to the banks of the Kei the troops which we shall want on the Danube.

There is another ground on which Cape affairs may claim our attention. It is a common cause of congratulation that, now that Old England has such hard work to do, her numerous children give her so little trouble. Canada prosperous and loyal, Australia paying our troops with her gold, even Jamaica scarcely complaining, we doubt whether, among the manifold dependencies for the peace and well-being of which our Ministers are responsible, South Africa is not the only one respecting which they need at present be anxious; and even there, their anxieties, it must be confessed, are much less complex than were those of their predecessors. The colony itself is prosperous, the colonists contented; still grateful for a Constitution for the popular form of which they have already shown themselves prepared. The manner in which they are conducting the elections to their Parliament is an example to the mother country; and the choice which they have already made of Councillors gives us a ground of hope that we shall have no more Kafir wars, which counterbalances many reasons for fear. The putting at the head of the poll Sir Andries Stockenstrom in the Eastern Division, and Mr. Rutherfoord in the Western, is indeed a guarantee that, at any rate, the constituents of the Cape Parliament intend its Kafir policy to be conducted on

consistent principles of justice and prudence. As yet, however, the power to make a Kafir war remains with the officers sent out by the Home Government;—we Englishmen are still responsible through our Ministers for the 'Frontier Policy' at the Cape, and therefore the history of past wars is worth studying by those who would have to pay by far the largest proportion of the cost of a fresh one.

A few words, first, on Kafir characteristics and customs;—and the closer we look at them the more curious and inconsistent do they seem. These black Picts, wearing over their ochre-daubed skins scanty ox-hides, which they dispense with in war; dwelling in huts into which they can scarcely creep; having absolutely no religion—not even a Fetish worship,—no superstition, save a vague belief in witchcraft and rain-doctors, and a still vaguer reverence for the memory of their ancestors; having thus, as Herr Teufelsdrock might say, the scantiest possible garment for body or soul, are yet bound together in a well-organised community with chiefs of defined but acknowledged powers, and with laws well understood and very fairly obeyed. If their painted bodies remind us of the ancient Picts, their conduct and customs recall to us still more the Highlander of '15 or '45. Forget the colour, and fancy the kilt instead of the kaross, and when we hear of Sandilli or Macomo dispensing Kafir law, or debating peace or war with his 'Amapakati,' or councillors, and know that in distress and defeat no price could tempt their starving followers to betray or disobey them, we can almost imagine that we have before us a Highland chief with his devoted Duinhéwassels and faithful clan. Again, there is the same local attachment. Macomo has been four if not five times driven out of his haunts in the Winterberg Hills, always asking, 'Why am I kept out of my land?' and Fergus Mac Ivor could not cling more closely to his glens than does Sandilli to the Amatolas. The relation of the minor to the paramount chiefs reminds us also of the species of submission which the Highland chieftains paid to their Sovereign—the same strange mixture of independence and devotion. When Sir Harry Smith, in 1848, flattered himself that he had made Kaffraria a peaceful British province by assembling the Chiefs to go through the ceremony of swearing subjection to our Queen, Pato, the head of a clan 10,000 strong, explained their unanimity by saying, 'Wherever 'the great Chief Sandilli churns his milk, there will the little 'Chiefs be to eat the butter.' And this metaphor reminds us of what after all is the great peculiarity of the Kafirs,—their love of cattle, and passion for their possession. No Rob Roy could be more skilful in driving, nor, we fear, in stealing herds;

but their pride and delight in them can only be equalled by that of the Arab in his horse. Each man reckons his wealth not by acres but by herds: they buy their wives with them (one of the most frequent complaints of the colonists is against the 'lifting' inroads of the young Kafir lovers), they run races with them, they even talk in cattle language. When Kreili swore amity with Sir Harry Smith, he did it by sending a dun ox; and the mode by which the Tambookies acknowledged this same Kreili as their superior, was by their ambassadors' bringing back a bull from his 'great place,'—it being understood that wherever that bull roamed, with him went Kreili's power.

It will not be difficult then to guess the feelings with which the Kafir must regard the white man, when we see on looking back through the colonial history, that, spite of the cattle-stealing with which he is constantly charged, he has lost far more cattle than he has gained. Under the old 'commando' system the Boer almost always managed to get back more 'head' than he had lost; and in all the wars down to the last expedition across the Kei, when Sir George Cathcart brought away 10,000 head from Kreili, the great business of our troops has been to 'lift' cattle by the thousand.

Farther to the east we find the power of the Chiefs become more despotic: Faku rules his Amapondas to the west of Natal more rigorously than does Sandilli his Gaikas on the border of the colony; and the lawless tyranny of the Zoolah Kings exceeds the atrocities of the Kings of Ashantee or Dahomey, or the most bloody of the Oriental despots.

And yet, compared with other savages, African or Indian,—compared even with our own barbarian ancestors,—the Kafirs can not be called especially cruel or revengeful. All the Missionary Journals are full of touching proofs of the heroism, kindliness, and generosity of their converts; and even as heathen they not seldom set an example which their Christian neighbours would not do ill to follow. Notwithstanding all the outcry that has been made against Kafir treaties, Sir George Cathcart tells us that, 'in justice it must be admitted that this remarkable 'people have a strong sense of the moral obligation of good 'faith, and if they enter into any agreement at all, are seldom 'found to promise one thing and do another;'* and a missionary, for many years a neighbour of Sandilli, the head Chief of the Gaikas, lately told us, that he never knew him break his word, or try to exculpate himself at the expense of another.

* Parl. Papers, Kafir Tribes, 1853, p. 107.

Almost all travellers inform us that however openly they may have professed stealing cattle from the colonists, as did the Gael from the Saxon, yet that if property be placed under their protection or care, they preserve it with honourable fidelity. Their habit of begging for small presents of Europeans gives an unfavourable impression of them at first acquaintance, but if they beg, they also give; almsgiving being, according to Mr. Backhouse, the Quaker Missionary, so much their custom, 'that a man's wife and children often go to work in the garden 'that the begging stranger may be supplied.'

Their martial qualities of skill, activity, daring, and endurance, our soldiers have only too well proved; and our officers tell us, that another campaign or two of lessons would teach them our tactics almost as well as they have already learnt from us to ride on horseback, and to use firearms instead of assegais. Indeed, their intellectual powers generally seem good; a perusal of the Blue Books would prove to any one that a Kafir Chief is in diplomacy no bad match for an English General; and we have the testimony of Mrs. Ward, no friendly witness, that 'they are the cleverest logicians in the world, and have always 'an answer more suitable to their own purpose than we could 'possibly anticipate.'

There is, however, one most striking and all-important peculiarity in which they differ from almost all the aboriginal tribes with which our colonists have come in contact. To the Red Indians and New Zealanders, the Australians, and even their own Hottentot neighbours, Christian civilisation has been as an Upas tree, destroying them by its diseases, or still more fatally poisoning them by the infectious contamination of its drunkards and debauchees; but the Kafirs have shown that they can live on the borders of a civilised community; and unless killed off by war, or by famine caused by war, they keep up their numbers.

The history of European civilisation has indeed but too plainly proved how hard it is for a strong race to do more for a weak race than to bestow upon it its vices; and too quickly deducing from the sad facts of this history the conclusion that that which is hard must be impossible, there are many persons who advocate severe measures against the Kafirs, as against all savages, on the principle that it is more humane to kill them quickly with powder and shot than slowly by drink or disease.

The Boers, we are told, are great readers of the Old Testament; and comparing themselves to the Israelites, as did the Puritans of New England, they shoot a native on the strength of a text out of Joshua; in like manner, not a few of our

present political *doctrinaires* justify injustice and atrocity by their interpretation of their Gospel — 'the theory of human 'progression:' the interpretation is in both cases equally at fault; but even granting its truth, as regards the Kafirs the facts are against them. They are not a drunken people: they make, it is true, a mild almost harmless beer among themselves, and some of their chiefs have become drunkards from disappointment and from the temptation of Europeans; but Mr. Backhouse, himself a zealous tee-totaller, who complains greatly of the drinking habits of many of the Hottentots, tells us, as the result of his keen observation, that 'few of the Kafirs, even on 'the frontier, drink intoxicating liquors,' a statement confirmed by the testimony of other missionaries. Even more important is the jealous care with which they preserve themselves from the effects of European profligacy, so fearfully fatal to the South Sea islanders.

In a word, the Kafir race has in itself strong elements of continuance, and a power of co-existence with civilisation which ought to add strength to the efforts to civilise, inasmuch as it makes these efforts more hopeful; missionaries and philanthropists not being among them, as they often are, haunted by the conviction that death dogs their footsteps; while, if they really be the 'irreclaimable savages' they are so often called, there is little hope of exterminating them except by the old-fashioned method of fire and sword. How far, with what success, and on what grounds this method has been tried, it will be needful, in order to understand our present relation with them, briefly to consider.

The Dutch found the Kafirs as far West as the Gamtoos, 200 miles within the Kei, the present border of the British territory. How long they had been there, and whence they came, it is impossible to ascertain, and needless, for our purpose, to discuss. All their traditions tend to affix to them an Eastern origin; and there are some ethnologists who think that in their features, their rites — such as circumcision — and their pastoral habits, as much relationship can be traced to the Arab as to the Negro. Most probably they are akin to the Abyssinians and Gallas.

The constant changes in frontier policy which have had so injurious an effect upon the natives, seem to have begun very early. We find the Dutch government, in the middle of the last century, sometimes prohibiting the Boers from even trading with the Kafirs, sometimes permitting them to enter into Kafir land to hunt elephants, and again ordering 'all settlers beyond 'the Gamtoos to decamp, on pain of confiscation.' Though

even more thinly scattered over their vast pastures then than they are now, we find that the Boers had already acquired their habit of 'trekking' over the border, partly, no doubt, in order to avoid the colonial tax-gatherer, but chiefly from a true Backwoodsman's passion for seeking out new and more pleasant locations. If the white man seized the black man's grazing ground, the latter, not unnaturally, retaliated by seizing the herds of the former; and cattle stealing on the one side, revenged by commandoes on the other, became the normal position of frontier policy. These 'commandoes,' or forays of armed and mounted Boers into Kafirland, only do not themselves strike us as cattle-stealing expeditions, because we are more struck with the wholesale destruction of the native graziers, and because the thefts were committed on so magnificent a scale. By help of horse and musket, the Boers brought back thousands in place of hundreds; for example, Maynier, Landroost of Graaf-Reinet, in 1792, tells us that he witnessed the distribution of 30,000 head as the result of one of these incursions. No wonder, he adds, that he was convinced that the complaints of the Boers about the Kafir depredations were 'always exaggerated, origi-'nating from a design to enrich themselves.'*

Still the commando system had its disadvantages — it made the natives, with their sharp assegais, uneasy and unpleasant neighbours; and fearing their revenge, the settlers reiterated requests to the governors to extend the colonial frontier. Von Plattenberg, in 1780, shifted it on paper 100 miles to the east, to the Great Fish River; but it required British arms to give his proclamation substantial force. Our first conquest from the Dutch was in 1795; and in 1798 Von Plattenberg's proclamation must have been forgotten, for we then find Lord Macartney declaring 'the Great Fish River the proper boundary between 'the colony and the Kafirs,' — 'no exact limits,' he says, 'having hitherto been marked out; and, in consequence, several 'of the inhabitants of the more distant parts having united in 'injuring the peaceful possessors of those countries, reducing 'them to misery and want, and compelling them to the cruel 'necessity of having recourse to robbery to support life.' This proclamation candidly confesses to the true explanation of the continuous extension of a territory always so under-peopled and difficult to defend. It was not that the natives were such bad neighbours that they must be driven back, but the outlying settlers had got in amongst them; and the Government being too weak physically to force these emigrants to return, and, morally,

* Parl. Papers, March, 1835, p. 27.

to disown them, extended the border to exclude them. To get the natives over the Fish River was no easy task — it took fourteen years of effort ending in the first Kafir war of 1811–12; after which year began what was called 'the military 'system;' that is, the Fish River was guarded by military posts; and orders were given that 'Kafirs found on the right bank of 'this river should be followed up and shot.'* These orders were obeyed, many Kafirs were thus shot, but those who remained only became the more dangerous and revengeful; so, in 1817, the Governor, Lord Charles Somerset, thought he would try to make such terms as would ensure permanent peace.

The intention was praiseworthy: would that we could say as much of the mode of fulfilling it. With a disregard of the customs of the people with whom he had to deal, which, if the result of ignorance rather than recklessness, reminds us of Lord Cornwallis's attempt to turn Hindoos into country gentlemen by his 'permanent settlement,' Lord Charles Somerset chose to consider Gaika, who was merely a chief of a clan, as King of all Kafirland, simply because Hintza, the real Paramount Chief, being not so near the border, it would have been more troublesome to negotiate with him.

The result of this mistake, and of the consequent false position of all parties, was the second Kafir war of 1819, in which, in alliance with our late foes, the Gaikas, we fought the Tslambies, our present friends, because they would not submit to the king we invented. This war began with a commando of the allies under Colonel Brereton, in which, in the words of Tzatzoe, the Kafir chief, 'they took a great many cattle (23,000 'head) from Tslambi's tribe, and shot a great many people. 'Gaika got a few old cows, and the government all the fat cows 'and fat oxen;'† and it ended with another invasion of Kafirland, in which the troops and burghers, after ravaging the country with fire and sword the whole summer, brought back some 30,000 more head of cattle; though, between these two invasions, the Kafirs had had *their* commando, coming down into the colony 10,000 strong, under their patriot prophet, Mokanna, and attacking and almost taking Graham's Town.

We must hasten quickly over the period of sixteen years elapsing between the second and third wars, the chief events marking which were; first, the attempt of Lord Charles Somerset to make a 'neutral territory' of the country between the

* Major Dundas's Evidence, Abor. Com., 1836, p. 133.
† Abor. Report, 1836, p. 570.

Great Fish River and the Keiskamma *: secondly, the infraction of this treaty by the Governor afterwards granting locations to settlers in this neutral territory: and lastly, the repeated expulsion of Macomo from his settlement on the Kat River. This chief was Gaika's eldest and most energetic son, though not his heir, not being the son by the 'great wife,' who, according to the custom of the tribe, must be a Tambookie. He had pitched his kraal just over the border in the north-east extremity of the territory said to have been ceded by his father; and our persistence in driving him out, and the severity with which we did so, by making him our determined enemy, doubtless did much towards causing not only the third, but the last two Kafir wars.

To call the state of things during this period peace would be a misnomer: there was almost unceasing feud on the border; but probably open war would have been postponed, if not prevented, and the constant succession of commandoes and patrol forays into Kafirland would not have been varied by that invasion of the colony, which began the campaign of 1835, — had it not been for an outrage on one of the chiefs, which excited the clan to ungovernable fury.

A patrol seized some cattle belonging to one of Gaika's sons; his brother asked the officer, 'Why do you take the oxen? there 'is no war between us; have you traced the track of cattle or 'horses into Kafirland?' Probably the question might have been asked in a threatening manner; at any rate the answer was a shot in the head. 'You see the necessity of prayer,' said his missionary to the wounded chief; 'you might have been 'killed, and died an unconverted man.' But this was hardly the lesson which the clansmen drew from the occurrence. 'Every 'Kafir who saw Xo-Xo's wound went back to his hut, took his 'assegai and shield, and set out to fight;' and said, 'It is better 'that we die than be treated thus.'† This war, which cost a

* This absurd arrangement, by which a district twenty-five to thirty miles broad and sixty long, of the best soil in South Africa, was tabooed from the occupation of either white man or black man, and devoted to the lions, was made at a treaty with Gaika in 1819; respecting which treaty, owing to its never having been written, there is much dispute; the only fact which appears clear being, that if Gaika really did thus cede this country, which he denied, by far the largest portion of it was never his to cede.

† Report of the Aborigines Committee, 1836, pp. 564. 567. Jan Tzatzoe's Evidence. Tzatzoe, who fought on our side during this war, says distinctly in his evidence, that he 'believes the shooting of 'Xo-Xo to have been the cause of it, the Kafirs,' he adds, saying, 'life is of no use to us if they shoot our chiefs.'

quarter of a million of money (a trifle for a Kafir war now-a-days, but then thought an enormous sum), ended with a proclamation by the governor, Sir Benjamin D'Urban, in which, in order to remove these 'treacherous and irreclaimable savages to a 'safer distance,' he extended the eastern boundary of the colony to the right bank of the river Kei, declaring 'Macomo, &c. to 'be for ever expelled from their old country,' not only west of the Keiskamma, but also west of the Kei, and that they shall be 'treated as enemies if found therein.'

Thus we see that so early as 1835 the British territory had reached its present eastern limit, viz. the Kei; but in that year the tide of conquest received a most unexpected check. Hitherto the Home Government, not perplexing itself with any attempt to understand the Kafir side of the question, had carelessly endorsed all the acts of its governors. But just at this time the philanthropists were in full force; elated with their victory over slavery, they were agitating for 'justice to aborigines.' A Committee of the House of Commons was then sitting to inquire into our national treatment of Native Tribes, before which officers, governors, missionaries, even natives, were examined; representations were made to the Colonial Secretary; all the secrets of the Cape History were pried into, and the result was that early in 1836 Sir Benjamin D'Urban was surprised by a despatch from Lord Glenelg, stating that, so far as he could learn, 'the original justice' in the last war was on 'the side of the 'conquered, not of the victorious party;' and that therefore justice demanded, what he believed also policy required, that the conquered territory be restored.

The conquest was restored; our troops retired over the Keiskamma, Sir Benjamin d'Urban's new province of Adelaide again became Kafirland, treaties were made with Macomo and his fellows as independent chiefs, and, for the first time, we believe, in the history of nations, the conquerors restored to the conquered their despoiled dominion at the demand of justice.

The objections to these acts of generosity, since known by the name of the Glenelg policy, were, as may well be imagined, manifold, nor were they less influentially than earnestly supported. Sir Benjamin d'Urban sent in his resignation, leaving behind him a strong protest against the measures which he refused to carry out; and the cry in the colony, especially on the frontier, was almost universal, that treaties were absurd and impossible with savages, who were too ignorant to understand them, too treacherous to keep them, and too impulsive to resist any temptation to break them,—that the chiefs would have too bitter and jealous a hatred of the Colonial Government, and

their followers too great a longing for colonial cattle, to keep faith, — and that the Quixotic restoration of territory would be attributed to fear, or viewed as a permission to continue their depredations.

And now these prophets point to the events of the last few years as proofs of the correctness of their forebodings: — 'After 'ten years,' they say, 'of peace preserved by connivance at 'cattle-stealing, and employed by the thieves in getting fire-'arms, and learning how to use them, we have had two wars 'more costly and destructive than any of the preceding ones, 'compelling, as their necessary consequence, the subjection of 'the Kafirs, and a return to that policy, which, however stern 'it may appear, yet being in accordance with the laws of 'Nature which rule the relations of civilised men with savages, 'is really much more just and merciful to the latter than those 'measures of specious and spurious philanthropy which have 'proved as lavish of life as of British money.'

That philanthropy has not kept peace is evident enough, but before we declare it a failure we must prove that it has had a fair trial. Certain treaties were made, and war could not follow except from their infraction, which might proceed from the conduct of any one of four parties, — the Colonial Government, the Kafir chiefs, the frontier colonists, or the Kafir people. Either of the two former might of course at any time directly break them, either of the two latter might by disobedience to their respective rulers make it impossible to keep them. Did the chiefs themselves send out cattle-stealers, or were they unable to punish and restrain them? Did the governors try to take from their black neighbours their lands or liberties, or did their white subjects bring on war by individual encroachment, or deeds of injury and insult? Now the fact which strikes us most forcibly, both from its novelty and importance is, that, so far as we can learn, the last question can be answered decidedly in the negative. Few persons, we think, will deny that before 1836 the lawless selfishness or violence of individual colonists had been a most fruitful source of frontier disturbances; still fewer persons who have studied the Cape history in the intervening years will dispute the general correctness of Sir Peregrine Maitland's declaration in 1846, that 'during at all events the 'last seven years, not one act of violence, outrage, or injustice 'had been committed by any colonist in Kafirland,'* — a declaration confirmed by the admission of Sir Andries Stockenstrom and Mr. Freeman in their evidence before the Parliamentary

* Report of Com. on Kafir Tribes, 1851, p. 356.

Committee of 1851, and endorsed by the Bishop of Cape Town in his published Report of his visitation. Whether owing to the efforts of the philanthropists or not, this much is evident, that since 1836 there has been a note-worthy change in the respect paid to the rights of the natives, evinced by the determination of the authorities to enforce fair regulations, and by the growth of just and generous feelings among the colonists themselves. The responsibility, therefore, lies between the Kafirs and the Government: let us see how we can apportion it between them.

It cannot but be allowed that the Glenelg or Treaty System had a fair start. Sir Andries Stockenstrom—upon whose suggestions to the Parliamentary Committee the new treaties were mainly framed, and by whose name they have since been known,—was appointed Lieutenant-governor of the Eastern Province, in order to institute and superintend their operation; and in many respects he was of all men in the world best fitted to the task. Born in the colony,—his father a landdrost under the Dutch Government,—his interest, as well as his early training and prepossessions, enabled him to understand and make allowances for the feelings of the settlers; while a life's acquaintance with the Kafirs in peace and war—not only as a frontier farmer, but as a most able magistrate and military officer,—gave him a perfect knowledge of the good and bad points of their character: his own father had been killed by them, while he himself, when taken suddenly ill in the war of 1836, had had his life saved by a Kafir foe, who had brought assistance to him upon finding him alone and unable to move.* That such a man with such antecedents should so energetically support the theories of the philanthropists by his practical experience, had doubtless great effect in inducing the Colonial Office to espouse them, but in the colony itself it excited against him such an outburst of indignation as made it almost impossible for him to fulfil the duties of his office. 'He tried in every way to 'do his duty,' says Sir George Napier, who succeeded Sir Benjamin d'Urban, 'but he was thwarted by every one in every 'possible way that they could thwart him;' so much so, that in 1849 he was superseded by Lord Normanby solely on the ground of his unpopularity, and with the fullest acknowledgment of his merit. His dismissal was a victory for the opposing party; nevertheless his successor, Colonel Hare, together with Governor Napier, honestly tried to carry out his treaties.

The most important feature in these treaties was the abolition

* Pringle's Residence in S. Africa, p. 99.

of the patrol system introduced in 1817, by which the frontier farmer could require troops to seize for him cattle which might have strayed, from natives who very possibly were not the thieves, — which system, be it remembered, had been protested against by many of the most influential of the colonists so early as 1820; and the substitution in its place of an arrangement by which the chiefs were made responsible for all cattle stolen, provided the owners could prove that they had been duly guarded, that they had been traced into Kafirland, and that due notice of their loss had been given to the district authorities. The difference of opinion, or, indeed, of statement of fact, with regard to the effectiveness of the new system, is strangely wide. The party opposed to its introduction never ceased to complain of its operation, and constantly published in the Cape newspapers, and forwarded to the Governor, statistical returns of the increase of cattle-stealing. On the other hand, Sir A. Stockenstrom denies most positively the correctness of these returns, and appeals from them to those furnished officially by Mr. Hudson, the agent-general appointed by Sir B. d'Urban, which would, he says, 'show a very different result.'* In this statement he is supported by Mr. Stretch, at that time the diplomatic agent on the frontier, who states that the chiefs did their part in restoring all reclaimable cattle, and that the amount of depredation was on the whole diminished.† Mr. Hudson's returns not being in the Blue Books, it is impossible for us to decide between these conflicting statements; but this much is evident, that during the operation of the Stockenstrom treaties the frontier was more than usually peaceful‡; and we have Sir George Napier's authority that they could not have entailed on the settlers much increase of loss of property, for having ordered monthly returns of thefts to be made, and calculating, on the one hand, that the 'greatest amount of property lost by 'the depredations of the Kafirs was 4000*l.* per annum,' and, on the other, that 'during the first six weeks of a war no power 'could prevent their darting into the colony and committing 'enormous ravages, I thought to myself,' he says, 'is it worth 'while for such an amount of loss to encounter all the damage 'that will be done by going to war?' And therefore, though 'urged over and over again to go to war with them, I resisted

* Report Parl. Com. 1851, pp. 239. 242, &c.

† See Letter in 'Colonial Intelligencer' of July, 1852.

‡ See Sir A. Stockenstrom's Evidence, and Sir G. Napier's Despatches.

'it.'* In order, however, to meet in some measure the complaints of the colonists, and thinking himself that some of the articles of the treaties were unfair to the latter, he modified them in favour of the settlers in 1841, but with the consent of the natives, whom he found in a good humour, probably because, as he wrote to Lord Glenelg, he 'invariably treated all the 'chiefs as his equals.'† Nevertheless, it is only fair to Sir Andries to say that he considered these alterations, notwithstanding they were thus obtained, to have been 'injurious.' But a much more serious change was effected in 1844 by Sir Peregrine Maitland, in a much more questionable manner, to which Sir Andries chiefly ascribes the bitter feeling which led to the war of 1846. Sir Peregrine Maitland succeeded Sir George Napier in 1844, and, yielding to the representations of the Anti-Stockenstrom party, he soon after his arrival summoned the Gaika chiefs to Fort Beaufort, and, backed by a strong body of troops, insisted upon their submission to a new treaty, by which it is true stolen or strayed cattle were made more quickly recoverable, but, at the same time, it was made less incumbent on the farmer to exercise due care in guarding them; and the jealousy of the chiefs was excited by a provision, that any Kafir charged with the commission of outrage or theft within the colony should not be tried by his own chief or laws, but be sent into the colony for trial there. During the two years which intervened between the arrival of Sir P. Maitland and the beginning of the fourth war, the suspicion and animosity on both sides were constantly increasing. There was more than usual restlessness in Kafirland, owing to sufferings from long-continued drought; this restlessness excited alarm among the colonists, which alarm again was aggravated, Colonel Hare informs us, by 'exciting rumours wickedly and extensively cir-'culated throughout the border by persons always ready and 'desirous for the work of agitation.'‡ Again the new Gaika chief, Sandilli, was young and rash and easily excited by the young men who, grown up since the last war and eager to use their muskets, inveighed against what they considered the infraction of the treaties. Doubtless the war feeling and the

* Rep. Parl. Com. p. 201. It must not be supposed that the war party was confined to the frontier graziers. Sir G. Napier adds, 'The Committee must be aware that there are a great many people 'in the colony who make a great deal of money by wars and by the 'troops, whose constant cry was, "have troops over;" that was the 'great reason why they wished to go to war.' (P. 282.)

† Parl. Papers, Kafir Tribes, June, 1851, p. 41.

‡ Parl. Papers, Feb. 1847, p. 55.

war party on both sides the border were more than usually strong. Still a perusal of the Blue Books forces us to infer, that if the Governor had had tact and experience of the native character equal to his intention to act fairly, and had comprehended that there was no medium course between conquering the Kafirs and treating them with the consideration due to an independent people, war might at least have been averted.

In February 1846 it was very near breaking out, in consequence of a survey for a fort which, against the approval of Colonel Hare, Sir P. Maitland ordered to be made in the Gaika country, and some collision with a trader acknowledged to be 'extremely rude and insolent.' Sandilli sent an offensive message to the Governor, which would have been replied to by an invasion had it not been for his almost immediate apology, an extract from which may be worth quoting:—'I swear war is 'not in my heart, but confusion I hear prevails in my country 'and your country, and we sleep in the bush for fear;'* and again, in reply to the acceptance of his apology, he says, 'I 'thank the Governor for his word, and, I repeat, there shall be 'no war. This word comes from my heart. I will say no 'other. The only thing I now see which is bad in this world 'is the drought. The cattle are dying.' We are well aware that in Kafir, no more than in civilised nogotiation, are mere words of much value. These Kafirs have a saying which might serve for many diplomatists, that 'underneath the top-word there 'is always a bottom-word,' and Sandilli's professions of peace may have concealed preparations for war; still it must be remembered that the war when it did come, whether in Sandilli's heart or no, was begun not by him but by the Governor. The actual *casus belli* was this:—a Kafir charged with stealing an axe in the colony was sent by an English magistrate straight to Graham's Town for trial. On his way he passed by a kraal,—either his own or that of one of his tribe;—some young men rushed out and rescued him, and during the rescue his brother and one of the Hottentot police were killed. A demand was made upon Tola, the immediate chief (who by the by gave immediate notice of the rescue to the British officers), and afterwards upon Sandilli, the Paramount Chief, for the delivery of both the original prisoner and the murderer, which was evaded; whereupon a force of 1500 men was sent into the Amatolas to punish these chiefs and their confederates, and the war began. Now according to the Kafirs' side of the story, in the first place, they said that the constable fired first on the rescuers, killing the

* Parl. Papers, Feb. 1847, pp. 52. 59.

prisoner's brother, and in the second place, Sandilli declared that he did not understand that the treaties required that 'Kafirs 'who stole any small thing, such as an axe or beads, were to be 'sent to Graham's Town;' but even granting these statements to be false,—and if true they were certainly not of much moment,—yet surely Sandilli's reply to the Governor's demand, viz., 'The Governor must not be in haste with forces in this case; let 'us first speak about it that we may understand it,'* was not so unreasonable as to need an immediate invasion for its punishment; nor do we suppose that it would have been so considered had it not been seized, to use Colonel Hare's words, as 'a most 'favourable opportunity for inflicting a severe chastisement on 'this ungrateful and troublesome people, and impressing upon 'their whole nation a salutary lesson for another generation.'†. Possibly this lesson might have been postponed had the teachers been aware that it would last eighteen months, and cost two million of taxes, especially had they consulted the tax-payers as to the propriety of giving it at so great a cost; but at any rate, with the despatches before us, we cannot but be surprised at Lord Grey's assertion that the attack made upon the colonists by their savage neighbours had been entirely unprovoked.‡ This inroad by the Kafirs upon the country round Graham's Town was, in fact, a reply to the invasion of the Amatolas, and as such foreseen and guarded against, though imperfectly, by the Colonial Government.

The results of this war were most important. Sandilli surrendered in October, and Pato in December, 1847, (for in this outbreak, though not in the one following it, the Gaikas were helped by the Tslambies,) and on the 23rd of December Sir Harry Smith issued a proclamation declaring those tribes, as well as all the other Kafirs west of the Kei, British subjects; and again extending the British border up to that river, thus resuming the conquest by Sir Benjamin D'Urban, which had been relinquished by Lord Glenelg.

The new territory was not incorporated with the Cape Colony, nor subjected to colonial law, but was taken military possession of, under the name of British Kaffraria, while at the same time the eastern frontier of the colony proper was extended from the Great Fish River to the Keiskamma, by the addition of Lord Charles Somerset's 'Neutral Territory,' now called the province of Victoria. Out of the north-east corner of this province Macomo and his people were again expelled, and along

* Parl. Papers, Feb. 1847, p. 87. † Ibid. p. 89.
‡ Lord Grey's Colonial Policy, vol. ii. p. 198.

its frontier were located military colonies of discharged soldiers, as well as friendly natives, Hottentots, Fingoes *, and the followers of the Christian Kafir chief Kama.

The great difficulty in the new *régime* was what to do with the chiefs. Despite their faults and follies, their clansmen still followed and served them with all the devotion of deeply-rooted habit. Except through them it was scarcely possible to bring our laws home to the understandings of the people, much less to reach their inclinations or affections, and yet these chiefs were instinctively our enemies, because our rule could not but deprive them of both revenue and power. Plainly our plan was, as Sir H. Smith himself expressed in his first instructions to Colonel Mackinnon, to 'rule through their instrumentality;' but for this, two conditions were requisite; first, that they should keep their power over their people; and, secondly, that they should be willing to use it in our behalf. By studiously and publicly degrading them, Sir Harry Smith tried his best, both to weaken their power and to induce them to use it to our hurt; but unfortunately for peace, the second of these two consequences was the only one that he succeeded in effecting.

Many years previously Macomo, when complaining of his expulsion from the Kat River, dictated a letter to Dr. Philip, ending with, 'We do no injury to the colony, and yet I remain 'under the foot of the colony.' Macomo could hardly have foreseen that his figure of speech would become a fact by the Governor, soon after his landing, ordering him to kneel prostrate before him, and when he had done so, placing his foot on his neck, saying, 'This is to teach you that I have come hither to 'teach Kafirland that I am chief and master here, and this is 'the way I shall treat the enemies of the Queen of England.'† Mrs. Ward tells us this story as proving how well, in her opinion, Sir H. Smith knew how to deal with the Kafirs; but she forgets to add Macomo's speech, when he got up and said, 'I always thought you a great man till this day:'‡ and she leaves us to imagine how far such teaching would induce that chief to persuade his fellow Gaikas to submit quietly to their expulsion from the Victoria Province.

Again, the Governor in his first interview with Sandilli was, as he writes himself, 'dictatorial in the extreme.' But the grand display of his peculiar mode of pacification was on the day on

* These Fingoes were a tribe subject to the Kafirs, but emancipated from their control by Sir B. D'Urban, in 1836.

† The Cape and the Kafirs, p. 214.

‡ Abor. Com. 1851, Mr. Benton's Evidence, p. 337.

which he met the assembled tribes, and informed them that he and not Sandilli was their own 'Inkosi Inkolu,' or Great Chief. A graphic report of this demonstration is given in his own despatch, where Lord Grey is admitted behind the scenes and told how the Kafirs, after being informed that God had especially blessed the interview with a copious shower the night before, were supposed to join in a prayer humbly confessing to the 'unjust and cruel war' they had carried on; and then how he himself made them a long speech, calling them fools, and making them touch his stick of office as a token of submission (in a former interview he had made them kiss his feet); and how the 'astonishment was excessive' when a waggon was blown up, to signify how he would blow them up if they rebelled; and how he ordered them to 'shout for joy to the great Queen 'of England for taking them out of the Bush;' and especially how 'tremendous' was the 'roar' when he told them to shout for Peace, Peace!

All this comedy would be amusing enough could we forget its consequences, and how truly generous-hearted and noble-minded was the veteran who was thus degrading British authority. The most curious part of the whole affair is the extent to which he deceived himself as to the effect of these proceedings. 'The day was stormy; the wind blew very strong;'* was all that could be got out of the shrewd old Chief Botman, when asked what he thought of one of these interviews, and yet we doubt not that Sir H. Smith was quite right when he wrote to Lord Grey, 'This style of language and practical method of 'demonstration these people fully understand and will never 'forget.'† We have seen how Macomo understood it. It is, indeed, difficult to overrate the ill effects of such imprudence. With the utmost tact and forbearance it would have been a hard task to conciliate the chiefs to the working of the new system, even the beneficent features of which could not but tend to excite their suspicion and hostility. Their followers were encouraged to appeal from their unjust and capricious decisions to the English Commissioners; and they could no longer, by the help of a witch-doctor, rob or 'eat up' a rich clansman. Little wonder, then, if with insults such as we have described, in place of endeavours to soften to them their loss of power, or indemnify them for their loss of income, Sandilli and Macomo became intriguing agitators rather than contented subjects. Nevertheless, so great and so evident were the advan-

* Mrs. Ward, the Cape and the Kafirs, p. 222.
† Parl. Papers, July, 1818, p. 48.

tages to the Kafir people of peace, order, and absence of oppression, that we do not believe that these agitators, notwithstanding their hereditary influence, could have fomented, or would, indeed, have attempted actual rebellion, had it not been for two contingencies; first, an unusual drought, which, in the autumn of 1850 spread throughout Kafirland hunger, and with it there, as well as everywhere else, discontent; and, secondly, the policy of the Governor, which made the war party the predominant one, and provided it with a pretext.

In September, 1850, we find a despatch from Colonel Mackinnon, which, instead of reporting, as for some time previously, a peaceful progress in civilisation, mentions the alarm of the frontier colonists in consequence of the appearance of a new prophet, Umlangeni, who was said to be covertly preaching war against the white man, and prophesying victory to the Kafirs; and ends with the ominous paragraph, 'We are terribly ill off 'for want of rain: the country is as dry as a bone, and the 'cattle like skeletons.' The prophet's hut had been destroyed in August, but he himself not arrested, because 'so weak and 'emaciated,' probably through fasting for effect, that 'he could 'not leave his kraal without assistance;' and on October 3, Colonel Mackinnon writes his opinion that the attempt to seize him should not be repeated, because he 'had committed no 'overt act to justify a seizure, and because such seizure would 'cause great irritation among the Kafirs generally, and at the 'present most trying season, when they are in a state of great 'destitution, and *nevertheless abstain wholly from marauding in 'the colony*, might endanger tranquillity.'* As, however, Sandilli was said to be in communication with Umlangeni, Mr. Brownlee, the Gaika Commissioner, was very properly instructed to summon him and the other Gaika chiefs, and warn them of the consequences of any conspiracy. We must beg our readers to take note of Mr. Brownlee's observation in his report of this interview, 'that the Kafirs appear to have been in as great 'terror as the colonists;' as also of these words in Sandilli's reply to his address, viz., that 'they had heard that the Go-'vernor wished to seize all the chiefs, and had they been called 'either to King William's Town or Fort Hare, they would not 'have gone;' at the same time 'he denied any intention of 'making war, or that he had gone to see Umlangeni.' Bearing in mind this fear on the part of the Kafirs, and also the fact that Colonel Mackinnon writes, on the 14th of October, 'That 'the Kafirs are perfectly submissive, that there is little or no

* Parl. Papers, March, 1851, p. 17.

'marauding,' and that the desertion of their farms by the Kafir servants — the symptom most alarming to the colonists — was to be explained by fears of the colonists themselves which infected their servants, — we come to the appearance of the Governor himself on the scene of action.

Sir H. Smith arrived at King William's Town on the 20th of October, and forthwith summoned both the Gaika and Tslambi chiefs to meet him there. There was a good attendance of the latter, and some of the former; but Sandilli did not come, sending an excuse through 'his great councillor that he had 'fallen from his horse.' The excuse was a fiction; the real reason he gave in his answer to a messenger who was sent to urge his attendance:—'No, I cannot come in; I dare not.' The Governor then sent him a despatch, dated the 29th October, in which he says, 'Now I have been patient with you, and I 'send Brownlee with my "*word*" that unless you come here, 'or show Brownlee your wound which prevents you, I will 'throw you away — not know you; — you shall not be a chief, 'but an outcast, your property confiscated and given to your 'people.' The tenor of this word was scarcely likely to allay the fear or reassure the suspicions of the chief; nor does it seem to us surprising that Mr. Brownlee was compelled to report, that while 'solemnly denying any intention of making war, and 'defying any man to prove the contrary;' and though 'greatly 'dreading to offend His Excellency, he fully believes he is to 'be apprehended, and with the dread of his former confinement 'before his eyes, he fears placing himself in a position again to 'lose his liberty or his life.' Whence then this fear? it may be asked; if not an excuse for disobedience, surely it must have arisen from a guilty conscience. The Governor seems to have given it this interpretation, and to have acted accordingly; but we wonder at his doing so, with the following explanation by Mr. Brownlee before him:—'There can be no doubt,' Mr. Brownlee writes, 'that Sandilli's fears have been worked upon 'by wicked and designing persons; he has from many sources 'received information that it is the intention of Government to 'seize him; *the thing is so constantly spoken of in the colony, and 'so generally desired, that there is no wonder he should hear of 'it:*'* and, we may add, that having heard of it, there is no wonder that he should fear to subject himself to imprisonment, the fate most dreaded by a Kafir; especially when he could not but remember how a former Governor, Lord Charles Somerset, had tried to seize his father, Gaika, and how the

* Parl. Papers, 1851, p. 41.

death of Hintza, the head of his family, had years ago followed a surrender, under promise of safe conduct, to Sir Harry Smith himself; and when he himself declared that his own capture, at the end of the previous war, had been in consequence of an assurance that 'if he went into the camp to make peace nothing 'should be done to him,' and that trusting to this assurance he had left his hiding place.

Nevertheless, on the 30th October, the very day on which he received this report of his Commissioner, the Governor, instead of making allowance for fears not in themselves unreasonable, or attempting to show that they were unfounded, punished them by a proclamation deposing Sandilli from his rank as a chief, and immediately afterwards wrote a despatch, in which he begs Lord Grey 'to observe the deliberate and temperate manner in 'which I have dealt with the chief, who is a weak-minded man, 'possessing neither influence nor respect among his people.' Sir H. Smith's appreciation of Sandilli's powers has been proved by the late war to be no more correct than that of his own deliberation and temper; but for that mistake Sandilli's then antecedents were sufficient justification. But it is extraordinary that a man with Sir Harry's experience of the character of the Kafirs, and consequent knowledge of their clan-feeling, could thus underrate the influence of an hereditary chief, whatever his individual powers, or suppose that it was possible for him to depose him from his habitual rule over the hearts of his clansmen.

It would seem, indeed, that the Governor's scenic displays at the inauguration of his rule were not altogether without effect. Instead of appearing in his true position as the representative of their conquerors, exercising over the Kafirs a just and beneficent though a foreign sway, he claimed to be their Great Chief, their Father, their own 'Inkosi Inkolu;' and it is hard to say whether it was more unfortunate that these clansmen did not believe in his chiefdom, or that he did believe in it himself, and acted on his belief. He supposed that he had appointed Sandilli and the other chiefs: that was just what he could not do. He could appoint Commissioners and compel obedience to them; he could have appointed the chiefs British agents, and have made them his assistants by paying them; but as Sandilli himself said afterwards, 'I was not made a chief by English-'men: your Queen makes men chiefs, she made Smith a chief; 'but,' he added, 'God made me a chief.'* That was his faith,

* Speech to Mr. Renton. See Miss. Record of the United Presbyterian Church, 1852, p. 57.

and his followers have proved to our cost that it was theirs also: a faith inconvenient, if not absurd, we may say, that they should thus prefer a black tyrant in his leopard-skin, to an English general in his epaulettes; but hardly more absurd than the vain attempt of the General to ape the Chief instead of acting the Governor,—to hide or adorn the epaulettes by the leopard-skin.

The proclamation, however, which the Governor issued on his return to Cape Town from this deposition, was a no less curious comment on his proceedings than the above-quoted despatch. For in it he not only assured the colonists that they had no cause for alarm, but stated that 'After every search for 'information, it was apparent to him that no design of renewing 'the scenes of savage warfare was at any time entertained.' Why then the deposition, in which the Governor had quoted the charges against Sandilli of 'preparing for war,' and 'attempting to spread abroad among the Kafir people disaffection?' Nevertheless, in little more than a month, we find the Governor again on the frontiers, brought back by reports of some attempts to rescue cattle seized by the Kafir police as fines for trespass; attempts causing uneasiness, not so much in themselves, as because they were the first cases of resistance to the new police, and evidenced a general irritation. And though they do not appear to have been directly traceable to Sandilli's instigation, it began to be thought that a 'demonstration of force' was needed to counterbalance his influence, which could no longer be despised. Accordingly Sir H. Smith, ordering 'the troops 'in British Kaffraria and Graham's Town to move so as to 'make this demonstration,' went himself to Fort Cox, in the Amatolas, and there summoned another meeting of the Gaika chiefs and their followers, who attended it 3000 strong. Here he made a long speech, in the course of which he imputed, as he wrote to Lord Grey, 'every blame to Sandilli and his half-'brother, Anta;' declared positively that the rescues had been ordered by them (though the evidence detailed in the Blue Books only tends to cast suspicion on them); and ended with proclaiming them both outlaws, and offering a high reward for their capture, leaving the meeting with the comfortable conviction that his acts and speeches had again secured peace.

Hitherto our narrative of the events immediately preceding the last war has been collected solely from the despatches of the Governor and their enclosures; but we must now quote from another Blue Book, the report of this meeting and of its result, as given by the Rev. H. Renton, the delegate to South Africa of the Glasgow Missionary Society, in his evidence be-

fore the Commons' Committee in 1851.* Mr. Renton's statement is as follows: —

'Unfortunately, besides this declaration,' (the one reported in the despatch), 'His Excellency indulged in an extemporaneous harangue, and so expressed himself as to excite, I fear, distrust and suspicion in the minds of the Kafirs, as to the declaration he had made to them. To a question which was put by one of the Pakati to the Governor, "If he believed that they did not desire war, and "if he did not desire war, and if he was not going to hunt Sandilli, "what did he mean by those camps?" referring to the men that were immediately behind him, some infantry, and the Cape mounted rifles: that question, which struck me as a pertinent and natural one under the circumstances, the Governor answered rather quickly and angrily, by merely saying that he had said he was not going to send out any red-coats to hunt Sandilli, and that was enough. Then several of the chiefs, along with the protestation to maintain peace, intimated that he had not produced proofs of Sandilli's defection to justify his deposition or his being cast off, and that they should like the proofs. This was met by affirming that he had information from Toise, another chief, and from some other party that he could credit. The appeals for mercy for Sandilli were met by very strong expressions of indignation at such a request, stating that he would lose his head if he showed mercy to Sandilli, — that the Queen would chop off his head, — and could he be such a fool as to lose his head for Sandilli, upon whom he poured out all manner of vituperative epithets. And he spoke of Macomo, who was present, in terms of a very irritating nature; stating that he did not care whether he touched the stick of peace to-day or not; that he might have been a great man, but he was now a drunken beast and had to be turned out of the colony, and a number of things which I lamented, as they seemed to be uncalled for; and knowing the feudal attachment of the Kafirs, I thought very likely to ruffle their feelings. . . . . On going home that evening, I was surprised to find that some of the Kafirs, whom I knew to be tolerably well affected towards the British Government, did not concur with me in the views now of peace. They said they saw there was to be war; I asked what put that into their heads? they said, "O, the Governor is going to hunt Sandilli." I said, "The "Governor is going to do the very reverse: he said, you Kafirs "must hunt Sandilli, so that unless some of you catch him he is a "free man; the Governor had said, not a red-coat should hunt him, "and you have quite misunderstood him."'

It would appear, however, that the misunderstanding was more on Mr. Renton's part than on theirs. The Governor made his speech on the Thursday, and on the following Tuesday he despatched Colonel Mackinnon up the gorge of the Keiskamma, 'in the direction of the supposed concealment of Sandilli, be-

* Abor. Com. Rep. p. 385.

lieving,' as he writes, 'that if a patrol showed itself, he would 'either surrender himself or flee the country.' The missionaries did not share in this belief; they, 'as well as all who knew 'the Kafirs, esteemed this act as one of the utmost imprudence, 'unless it was meant as a declaration of war;'* and they were right; the Kafirs did understand it as such declaration.

Six months afterwards Sandilli sent word to Pato that he, 'Sandilli, wishes Pato to know that he consented to his chief-'tainship being taken from him, but that the troops after this 'went to where he was in the bush, in consequence of which he 'was obliged to fight;'† and what could his clansmen do but fight for him? They attacked the rear of Colonel Mackinnon's troops; several of the soldiers were killed, — for by a strange fatality they were unprepared for the attack, their muskets not even loaded, — and thus broke out our last Kafir war.

The day after this attack, Christmas-day, came the fearful and bloody massacre of the soldier settlers in the frontier villages: the Gaikas rose to a man, many of the Kafir police joined them, refusing to fight against their countrymen, or expecting them to succeed; and Sandilli and Macomo taught the Governor to estimate their power by shutting him up in Fort Cox, out of which he cut his way on the last day of the year with great gallantry but at fearful risk — a risk which may account for the excited wording of the proclamation he issued the instant of his arrival at King William's Town, calling on the 'colonists to rise *en masse* to aid Her Majesty's troops to 'destroy and exterminate these most barbarous and treacherous 'savages, who for the moment are formidable.'‡

We are well aware that there may be readers who will have little patience with this detailed history of the events which preceded, and in our opinion mainly produced, this last Kafir war. 'All this attempt to show how the outbreak began is mere 'waste of words,' they may say. The Governor's conduct might have given the pretext, but the real cause was the hatred and treachery of the Kafirs: the chiefs wanted licence; their followers wanted plunder; they all hated the white man, as these black barbarians always have hated and always will hate him. Sir Harry Smith, underrating their hatred and treachery, reduced the number of the troops, who alone kept peace; the Kafirs seized the opportunity, and hence, in reality, the war. 'This foolish economy,' these gentlemen would add, 'was Sir

* Abor. Com. Rep. Mr. Renton's Evidence, p. 386.
† Parl. Papers, Feb. 1852, p. 101.
‡ Parl. Papers, March, 1851, p. 77.

'Harry Smith's mistake; he did not err in being too overbearing to these savages in manner, but in not sufficiently overpowering them in fact; it was all very well to put his foot upon their necks, but he should have never let them think he was going to take it off.' A word or two on this objection, the more important as, by Cape newspapers now before us, we observe that any reduction in the enormous force now employed at Imperial cost at the Cape, has been inveighed against as certain to cause a fresh Kafir war, in like manner, it is said, as it caused the last. A comfortable prospect this is indeed, that we must either suffer these barbarians to overrun our borders, acknowledging our inability to defend our own dependencies, or else, whatever our home need of men or money, continue to keep peace in South Africa, at a cost which would almost enable us to do so in Europe.

'But if the colonists keep our soldiers they must pay for them,' it may be said, 'else why their Constitution and all its tax-voting machinery?' They will not pay for them: first, they cannot, they have not the money; or, if they had the money, we could not get it from them, except by the help of these very soldiers themselves. They say Imperial policy and Imperial governors brought upon us the former wars; out of one war springs the feeling which may produce another, which makes peace impossible without an army to preserve it, and therefore while this policy lasts, we look to the Empire to furnish this army. And the colonists are right: if the Governors we send out are to continue to act towards the Kafirs as they have done, our Chancellor of the Exchequer must find them the means to do so. It may, nay, will be difficult to change this policy, for it implies a change, not only in our relations with the Kafirs, but with every other savage or half-savage people with whom we come in contact; but changed it must be, unless we make up our minds to spread civilisation in South Africa by war and famine, until all the Kafirs and Zoolahs and Bechuanas are either exterminated like the Bushmen, or trampled down like the Hottentots. The change required is simply this: we must determine to treat these savage or half-savage tribes with the same forbearance and the same consideration as that which we now use towards civilised nations. It may be called absurd, or sentimental, or Quixotic, to require that a Cape Governor should conduct his relations with Kafir chiefs according to the rules of international law, or follow Sir George Napier's example in treating them as though they were his equals: it may be said that in so doing he would put both British and Barbarians in a false position, because he would treat the latter as though they

were strong, whereas his object ought to be to prove to them that they are weak. But here lies the moral of all these Kafir wars; they show what a powerful nation has to pay in money, blood, and reputation, if, forgetting that inequality of might does not constitute inequality of right, it commits the blunder of supposing that a weak people—a people infinitely inferior to it in every qualification for strength — has not the same claim upon its consideration as a nation equally powerful with itself. It is a common saying, that we cannot afford to negotiate with savages, to discuss with them, much less in the slightest degree to concede to them, because every concession, every deliberation, will be misconstrued by them as a sign of weakness or a symptom of fear. It is also a common conviction, that whenever we come into contact with uncivilised neighbours, we cannot live by the side of them in peace, — we cannot leave them in independence, — we must subject, or expel, or exterminate them; and this last conviction is in truth a necessary and logical consequence of the other. Depend upon it, we shall have Affghan and Burmese wars in Asia, and Kafir wars in Africa, until our troops are stopped by the ocean or the desert, or cross bayonets with those of some other Christian nation bent upon a like mission; unless we take as much pains to avoid an Asiatic or an African, as we now do to avoid an European or an American war. The negotiations of this last winter and spring have abundantly evidenced the earnestness of our peace-preserving efforts within the range of Christendom, but why thus restrict them, for beyond this range they are needed yet more? In our intercourse with Americans or Europeans, their good sense or good principle may supply our deficiency; but with the ignorant and impulsive Africans or Asiatics, if we do not keep our temper, we cannot expect to keep peace. Again, if there be one law which Christianity has made more incumbent than another upon nations as well as upon individuals, it is that the strong should use their strength not to trample down but to help up the weak; that they should be tolerant of their temptations, and sympathising with their sufferings, and forbearing with their faults;—and inasmuch as there is no law which has not its penalty, these wars, with all their disgrace, and degradation, and destruction of life and property, are our punishment for making that strength which enables us to be forbearing, our excuse for not showing forbearance.

We say, that if we provoke these Kafirs to fight with us, disgrace and degradation will be, as in every Kafir war yet waged they have been, our punishment. We do not mean the disgrace of being beaten by these savages, but the yet more

degrading disgrace of being forced to fight them as if we were savages ourselves. The Blue Books are full of encomiums by both Governors and Colonial Secretaries on the gallantry and endurance of our officers and soldiers; and no one can deny that these encomiums have been most fully earned. If any of our readers wonder how it was that so many thousand of our best troops—well instructed in the art, and well provided with the machinery of civilised destruction—were so many months in subduing a horde of naked, half-armed, wholly undisciplined savages, not greatly superior to them in number, let them study these Blue Books, and they will learn that so courageous were these Kafirs, so impenetrable their fastnesses, and so well did they know how to avail themselves of their advantages of position, that it needed all the pith and daring of British soldiers to drive them out of the inaccessible Amatolas, or the indestructible Fish River Bush. And how at last has this work been accomplished? Not by the application of any of the new modes of civilised warfare, but by a condescension to the old fashion of laying waste by fire and sword. These Gaikas were conquered, not by our cannon, nor by our discipline, but were starved into submission by the destruction of their crops, the despoiling of their cattle, and the burning of their huts. And in order to do this, British officers were degraded into cattle-lifters, and were obliged to order their men to excel their foes by ravages more dreadful because more systematic.

Lord Glenelg, in his oft-quoted despatch to Sir Benjamin D'Urban, animadverted very strongly on Sir Harry (then Colonel) Smith's report of his devastation of Kafirland during the war of 1836; remarking, that such 'desolation of an enemy's 'country, not in aid of military operations, nor for the security 'of the invading force, has been invariably followed by uni-'versal reprobation.' Had Lord Glenelg been Colonial Secretary in 1851, he would have found himself compelled, as doubtless was Lord Grey, to quell his instinctive indignation when called upon to approve of similar devastations, because military operations *did* need their aid, and, indeed, could hardly have succeeded without them. Sir H. Smith thus writes to Lord Grey in July, 1851:—

'1500 head of cattle, 42 horses, and nearly 1000 goats were captured by the second division; 350 head of cattle by the first, and 300 by the force under Captain Tylden, while large stores of corn were destroyed, as well as numerous recently constructed huts. To be compelled thus barbarously to prosecute war, ever cruel in even its most mitigated form, is revolting to the Christian mind. But no other course is open.'

Again, in January, 1852, he writes:—

'My next step will be, the moment the men are somewhat refreshed, to fill the Amatolas with troops, and to carry on systematically that devastation, the horrid result of savage war, which will reduce the people to submit to my terms.'

And accordingly, in arranging the movements for so doing, we find the following order:—

'The object of this disposition of the troops is to spoil the Gaika cattle, to burn all his kraals, the fences of his cornfields, and destroy the cornfields themselves. The troops will be provided with sickles, dragoon and rifle swords, and will move at daylight in the prosecution of this devastation, as locality and circumstances direct.'*

How completely such orders were executed will be proved by the following extract, from among many we might quote, of the officers' reports. Colonel Eyre, during a foray against the Tambookies in 1851, writes as follows:—

'This completes the narrative of my proceedings up to this date. Our labours and exertions have been great, but the result only moderate. We have captured in all 6345 head of cattle, exclusive of those lost and killed; a few horses, and several thousand goats; and burned and destroyed most of the huts and kraals on our route.'

And this 'moderate' punishment, it may be as well to remark, was inflicted, not on the 'contumacious Gaikas,' but upon their allies, the Tambookies, respecting whom Sir George Cathcart, in a despatch in 1853, admits that their 'war with us may have 'been at its commencement aggravated, if not provoked, by un-'justifiable aggression on the part of certain individuals of the 'burgher population of the North-eastern districts.'† But enough of details. Sir H. Smith, in his despatch‡ immediately after his recall, thus sums up the 'punishment' which he had inflicted on these 'most formidable barbarians,' as the 'result of 'that horrid war which they so wantonly commenced:'—

'During the prosecution of this war, 6000 warriors, according to the Kafirs' own statement, have fallen, including 80 chief men, all of them of some distinction. 80,970 head of cattle and innumerable goats have been taken from the Gaikas, Tambookies, and from Kreili, the latter having suffered an additional loss by the removal of 7000 of the enslaved Fingo race, bringing with them 15,000 head of cattle. Many arms and nearly 900 horses have been captured. The enemy has been driven with great loss from the strongholds which he so determinedly held, and throughout the whole of their locations *the crops of the Gaikas have been utterly destroyed.*'

* Parl. Papers, May, 1853, p. 27.
† Parl. Papers, 1853, p. 219. ‡ Ibid. p. 73.

Not that we would by any means ascribe especial severity to Sir H. Smith's mode of Kafir warfare; we could make similar quotations from the despatches of his successor, as of all generals who have waged Kafir wars. Nor do we dispute the military justification of these instructions to slay and burn, for, as every male Kafir of an age to bear arms was a foe, so all the food in Kafirland, all the corn and the cattle, might be considered as a military magazine.

It is not, therefore, in order to find fault with the orders of Cape Commanders-in-chief that we distress our readers by dwelling on them, but in order to insist on the responsibility which rested on them as Governors, which will rest upon all future Governors, if they do not strive their utmost and bear their utmost to prevent wars which need such orders to conclude them. It is a grievous thing that millions of money should be wrung from the toil of English tax-payers, in order to support a struggle from which England can derive neither pecuniary advantage, nor political power, nor national renown. It is yet more grievous than this, that a strong, civilised, and Christian nation — a nation priding itself on its philanthropy, and pre-eminently on its philanthropy to black savages — should use its strength in enraging and rendering yet more savage, if not in exterminating, a race of men not without natural noble qualities or capacity for civilisation, but which does get thus treated precisely because, being our neighbours, they are also black savages. But it is most grievous of all to arrive at this result by forcing English soldiers to imitate these savages, and English gentlemen to consider how they may best 'systematise devastation.' And if it be said that these savages brought these evils upon themselves,—that they were but the consequences of their own conduct,—we can only again repeat, in reply, that looking at the European wars which we have warded off, and at the Kafir wars which we have waged, we believe that had these heathen Kafirs been Christian Europeans, they might have felt and shown towards us much more hostility than they did, and yet no war would have ensued. From the close of the previous war up to 1850, the official despatches prove that the Kafirs kept the peace. Doubtless there was discontent; the chiefs felt that they were falling, and had not forgotten that they had been insulted; the people were suffering from drought, and hunger helps Kafir as well as English Chartism; but spite of drought or incitements by chief or prophet, spite also of the alarming rumours which reached them from the colony, they had committed no overt acts of war or rebellion, nor even of marauding; nor did they, until the Governor, outraging all their ideas and

habits and convictions of honour, patriotism, and loyalty, forced them to choose between war and the surrender of their Chief to the mercy of a man, who had deposed him because he feared to surrender himself, and had set a price on him without giving proofs of his guilt.

Nor let such provocation be imputed to the impulsiveness of Sir Harry Smith rather than to the system of our policy. We have seen how, when Sandilli sent word with respect to the rescue dispute, 'The Governor must not be in haste with forces 'in this case, let us first speak about it, that we may under-'stand it,' Sir Benjamin Maitland 'hastened to reply' to Col. Hare's letter containing this message, by ordering the invasion which began the war of 1846. And we will now beg our readers to observe how the sense and temper of a savage chief saved Sir Harry Smith's successor from inflicting on us a sixth war, which bid fair to be as costly as any of the preceding ones.

In the 'Sovereignty'—that district within the fork of the Orange River from which Sir George Clerk is now withdrawing the British rule which Sir Harry Smith proclaimed—the most powerful body of natives is the Basutos, a tribe of Bechuanas, a people not strictly speaking Kafirs, but resembling them in language, customs, and character.

The chief of these Basutos is Moshesh, decidedly the most noteworthy native in South Africa. Sir George Cathcart, in the despatch in which he declares his intention of marching against him, describes him as 'the son of an inferior chieftain 'of an inferior tribe, who, by his own energy and enterprise, 'supported by good fortune, managed ultimately, out of the 'wreck of petty nations, to become a centre of aggregation, and 'to establish a powerful sovereignty, selecting a well-chosen and 'defensible mountain fastness, "Thaba Bossiou," as his seat of 'government.'

Mr. Freeman, writing in 1849, tells us that 'not more than 'thirty years ago he had not so much as a suspicion of the existence 'of white nations, and had never seen either a gun or a horse; 'but was then perhaps possessed of the greatest number of fire-'arms and horses of any chief in South Africa;' and how well, in 1852, he was able to use them, our troops found to their cost. Two stories which Mr. Freeman relates may be worth giving, as instances of his shrewd originality and reforming spirit. Finding the 'witch-smellers' the great bugbears in the way of Bechuana progress, he feigned to be ill; and when these doctors, with their customary incantations, had smelt out the persons who caused his illness, and pronounced their doom, he exposed

their imposture by declaring his own excellent health. Again, cannibalism is proved by abundant authorities to have existed, if not in his own immediate tribe, in some of the tribes dependent on him. Before the missionary came into the country, he determined to stop it; and finding famine to be its cause, he did so by providing the villagers, among whom it prevailed, 'with corn to sow their land, and milch cows to supply them 'with milk till their fields yielded a harvest.'* Nor while thus setting himself against savage superstition and atrocities did he, as is usual, adopt civilised vices. Mr. Backhouse, who visited him in 1839 (finding him, by the by, with an abundance of European clothing, a young Hottentot brushing his clothes), was delighted to discover that he did not even take tobacco or snuff, much less spirits; saying, when pressed to drink, 'If I 'were to drink, I should be talking folly before my people.'†

There can be no question that, for many years, this clever chief, seeing how desirable it was for him to keep on good terms with the Colonial Government, had done his best to do so, refusing, for example, repeated solicitations from the emigrant Boers to abet them in their rebellion. Nor can we, after a wearisome search through Blue Books, Cape newspapers, &c. &c. for the causes of our quarrel with him, find them more correctly described than by Sir George Cathcart himself a few weeks after his return from his expedition against him. Describing what had been the state of affairs on his arrival, he writes as follows: — 'In the Sovereignty, although no open hostilities 'had occurred, a mistaken policy on the part of the Resident 'had provoked a system of petty warfare between the burgher 'population and the powerful Basuto people along their whole 'extensive frontier; . . . a state of things which, if suf- 'fered to continue, must inevitably result in a war more diffi- 'cult to manage, and more expensive, because more remote, 'than the Kaffrarian war, and one in which it is very questionable

* Freeman's 'Tour in South Africa,' pp. 312. 334.

† Backhouse's Narrative, pp. 368. 372. If the new rulers of the Orange River Territory follow Moshesh's advice, they will do well enough. In the course of a very sensible address delivered by Moshesh to the members of the Provisional Government, who had invited him to a friendly dinner, the Chief said:—

'My coming among you with Moroko may satisfy you that I am 'anxious to live at peace with you and him. . . . And although 'I have no right to teach you, I however earnestly desire that 'drunkenness may not prevail either among blacks or whites, and 'that you may establish your Government in the fear of God, and of 'his commandments.' (*Cape Commercial Advertiser*, April 21. 1854.)

'whether justice and good faith would be found to be on the 'side supported by the British Government.'*

To quiet these disturbances thus originated, the Governor, as soon as he had cleared the Amatolas, and cowed Kreili, determined to proceed himself to the Sovereignty; and accordingly, in December, 1852, he marched into Moshesh's country with 2000 troops, accompanied by his two sub-commissioners, Major Hogge and Mr. Owen. These gentlemen fixed the fine which Moshesh should pay in compensation for losses consequent upon a warfare acknowledged to have been forced upon him, at 10,000 head of cattle and 1000 horses; and on the 14th of December, the Governor wrote him a letter, ordering him to deliver them within three days' time, or on the fourth day prepare for war. The day after receiving this letter, Moshesh, in reply, came to talk with the Governor; and we wish we could give the whole of the conversation as reported by the Governor, for it is suggestive, not to say instructive. Suffice it to say, that after saying that 'the time was short and the cattle many,' and asking, therefore, for six days, to collect them, and stating that he 'had not now control enough over his people to induce them to 'comply with the demand, however anxious he might be to do 'so;' and then, when the Governor talked of war, saying, 'Do 'not talk of war, for however anxious I may be to avoid it, you 'know that a dog when beaten will show his teeth,' he ended with saying, 'I will go at once and do my best, and perhaps 'God will help me;' and on the 18th instant, the appointed day, his son came in with 3500 head of cattle.†

Considering the Governor's own opinion of this chief's grievances, character, and conduct, it might have been supposed that he would have accepted this part payment as earnest for the whole, and not have proceeded immediately to compulsion, especially as we find from the reports of the French Protestant missionaries, whose station was at Moshesh's 'great place,' that it was true that he had very great difficulty in prevailing upon his people to give up any of their cattle. Nevertheless, on the 19th, no more cattle appearing, three columns of troops were ordered to march 'to chastise Moshesh;' and the result was

* Parl. Papers, 1853, pp. 219—223. By the Blue Book on the Orange River Territory just presented to Parliament, we find that the information recently obtained both by Sir G. Cathcart and Sir G. Clerk entirely confirm the opinions expressed above, both as to the character of Moshesh and the merits of the Basuto quarrel. Parl. Papers, Orange River Ter. 1854.

† Parl. Papers, Orange Riv. Ter. 1853, p. 98.

the engagement of Berea on the 20th, the most of a pitched battle we have ever had at the Cape.

Before the battle, however, it seems that Moshesh made yet another effort to avoid fighting, which Sir George Cathcart does not mention in his despatch. On the 19th the French missionaries inform us that, seeing the soldiers in motion, he sent his brother, together with one of their number, 'pour sup-'plier le Gouverneur de suspendre encore les hostilités, vu que 'le chef travaillait encore de toutes ses forces à rassembler du 'bétail. Son Excellence parût d'abord fléchir, mais dans la nuit 'l'ordre fut donné de traverser la rivière au point de jour.'* This visit of his brother and the missionary is confirmed by a letter† we have before us, from one of the officers engaged, who adds, that when galloping with Colonel Eyre's column to the Berea Mountain, the next morning, they were again met at the foot of it by Moshesh's brother, who told Colonel Eyre the cattle were all ready, and to come and take them, but not to fight. 'Catch us not fighting,' writes the officer,—a sentiment honourable enough to British gallantry, but one which, we fear, tends to account for many a Kafir war we have had to pay for; and, accordingly, 'the Colonel answered him in anything but 'a polite manner, and called out, fire away my boys!'

The fight lasted all day; and certainly, if the result was victory on our side, it was a victory which, on the night after the battle, was considered in either camp as anything but decisive. The Basutos mustered 'from 5000 to 6000 cavalry; and, it is 'said, 2000 infantry, well armed generally with firearms as well 'as assegais; the cavalry all clothed in European costume, and 'with saddles: in short, their military efficiency little inferior 'to irregular Cossacks or Circassians.'‡ This efficiency, indeed, is evident from the fact that, notwithstanding the length of the engagement and the gallantry of their attack, so small a number were killed by the muskets, shells, or cannon of our troops. Sir George Cathcart guesses their killed and wounded at from 500 to 600, but he does not write with confidence; and the French missionaries, who had every means of counting, estimate them at only twenty wounded and as many killed: on the other hand, they say, 'Il faut malheureusement ajouter à cette 'dernière catégorie un plus grand nombre de femmes et

* 'Journal des Missions Evangéliques,' Mars, 1853, p. 86. See also 'Cape Commercial Advertiser,' Jan. 26. 1853.

† See 'Norwich Mercury,' May 21. 1853.

‡ Sir G. Cathcart's Despatch, Jan. 13. 1853.

'd'enfants tués par les soldats.'* It is only just, however, to General Cathcart to state, that he desired one of the missionaries to express to Moshesh his regret,' Que des femmes avaient 'été massacrés, sans doute par quelques soldats loin des yeux de 'leurs officiers.' Our loss was reported at fifteen wounded and thirty-three killed; and the spoils of the day were, it is true, some 5000 or 6000 head of cattle; but this could hardly be considered a trophy, as, on the first attack, Colonel Eyre's column alone had succeeded in capturing at least 30,000 head of cattle, all of which, however, but 1500, he was obliged before the end of the day to abandon.†

Hitherto this Basuto business had, allowing for a more than usual amount of skill and success on the part of the barbarians, been transacted according to our established mode of dealing in such cases. Our Governor, though believing Moshesh to be the aggrieved party, set to work to 'chastise' him. Such chastisement was considered the way to prevent war, at all events the way in which the dignity of the British Crown was to be supported. It would have been incompatible with this dignity to examine into the excuses of a savage, or to condescend to test the statements of a missionary that he was doing his best to pay his fine, and had really risked his own position among his people in endeavouring to do so; and so, in short, war was begun in order to prevent war; and had we had to contend with a Sandilli or a Kreili with Moshesh's power, but without his sense, this war would probably have had the usual duration of twelve months, at the usual cost of some two millions. To the surprise, however, both of our officers and the missionaries, and, we doubt not, considerably to the relief of the Governor, Moshesh determined to take advantage of his stout resistance to make peace;—his intelligence, says M. Cassalis, not permitting him 'de se faire illusion sur le succés partiel que ses guerriers 'avaient obtenu.' At midnight he made his son write a letter to the Governor, which he sent the next morning, in which he asks him to content himself with what he had taken, asks for peace, and to be no longer considered an enemy of the Queen, and ends by saying, 'I will try all I can to keep my people in 'order for the future.' The Governor lost no time in accepting this 'full and humble submission,' as he terms it, and within three weeks he was back again at Graham's Town, first, however, issuing a proclamation which—whoever be the

* 'Journal des Missions,' p. 89. See also 'Cape Commercial Advertiser,' Jan. 26. 1853.

† See Colonel Eyre's Report, Parl. Papers, Orange Riv. Ter. p. 100.

future rulers of the 'Sovereignty'—will, we fear, turn out an unfortunate legacy to that region. Many of the whites, he says, were disappointed that he did not, 'notwithstanding his 'submission, eat up and destroy the chief Moshesh, in order 'that his rich lands might fall into other "hands;" but, as 'some sort of satisfaction, he gave the burghers full license for 'the protection, security, and recovery of their property accord-'ing to the Commando system;' further declaring, 'that if in 'pursuit of their stolen property they killed the thief he would 'bear them harmless.'* Considering what Cape history has proved to be the meaning of a Commando license, this permission to the burghers of 'the Sovereignty' to use it at their will is as curiously inconsistent with the Governor's recorded opinion of their previous conduct, as is his estimate of Moshesh with his acts towards him.†

Surely with facts before us such as those contained in the above narrative, we should hesitate to conclude that it is our destiny to wage war with our weaker neighbours, because between them and us there chance to exist what are termed the elemental differences of race, colour, and civilisation. It has of late years been the boast of our policy that it tries to neutralise or destroy these differences, and thus to remove the caste hatred arising from them. In so far as this policy has been fairly tried it has succeeded, but it never will be fairly tried, nor can it fully succeed, until its administrators work as hard to prevent war as they would if these elemental differences did not exist. Alas! in the wars which we, as well as other Christian nations, have waged with savages, the rule has been, that the civilised Christians have been the aggressors; nor can we be surprised

* Parl. Papers, Orange Riv. Ter. p. 104.

† The following extract from a recent newspaper published in the Orange River Territory will show what is the meaning of a Commando under its new Government:—'During the past week, a 'party of about fourteen Boers residing in the neighbourhood of the 'Modder River, went out in search of two Bushmen, who were 'charged with murdering a Koranna, and stealing cattle in that 'quarter. Hearing that they had taken shelter at a Bushman kraal 'at Espag's Kop, near the farm of Van Zyl, they proceeded thither, 'and after *shooting two women* and three men, they took between 'twenty and thirty prisoners, who they divided amongst them, *but 'did not find the two men of whom they were in search.* We under-'stand the Bushmen did not offer the least resistance. One of the 'women was found lying dead, with a living infant by her side.' (*Bloem Fontein Gazette*, March 11. 1854.)—Because two natives are suspected of murder, five others are shot, and twenty made prisoners for division among their captors!!!

that it should have been so, for, however ignorant the savages, the strength of civilisation is too evident for them not to acknowledge, and fear to attack it. Whence, then, these civilised aggressions?

History furnishes us with three principal reasons. The civilised men have either as a community tried to take from the savages their land or their freedom; or as individuals they have committed acts of outrage, and then as a community refused redress or revenged retaliation; or, lastly, the civilised authorities have not given to the savage authorities the consideration which they demanded from them; that is, the Christian rulers have not done to the savage chiefs as they would be done by. Now, looking back along the records of our own, as, indeed, of all other colonies, we shall, we fear, find that the two first of these causes have been so universally and powerfully in action, that the last has rarely had opportunity to show itself; and therefore, when to it we trace almost entirely our share in the late Kafir wars, we do so with a trust in the future, because the eradication of the two former causes proves that the true principles of justice and wisdom have taken such hold both of the colony and of the mother-country, that there is good reason to hope that this last cause of conflict only needs to be clearly defined to be eradicated in like manner.

Lord Glenelg's despatch, much as it has been derided and decried, did in truth mark a crisis, not only in the Cape, but in our general colonial policy. What the old policy had been we have in measure attempted to show;—Hottentots serfs on their native soil, Bushmen exterminated, Kafirs forced by commandoes into foes;—these were its results. The acknowledgment by all parties that no outrage of individual colonists preceded either of the two last wars, and the evident wish of the Colonial Government not to extend the colonial border, prove what our policy has been since. And yet—with individuals restrained by both law and public opinion, with governors anxious to keep peace, and aware that war would bring them neither glory nor praise nor popularity,—wars have been provoked, or at least not—as they could have been—prevented; because, though our humanity has compelled our selfishness to acknowledge that a Kafir has a right to his land and his freedom, it has not yet forced our pride to allow that a Kafir chief has feelings. But now we are not without hope that its new *régime* will help the South African commonwealth to set an example to other colonies in its inauguration of a more considerate, as it already has set the example of a more just and less selfish policy. The elective qualification is by the new Constitution so low,

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There are, however, one or two questions which we suppose the Home Government will not consider within the province of the new Colonial Authorities to decide, and which yet are so important that they must affect the whole future of the colony.

(1.) Hitherto we have hardly touched upon the position or prospects of Natal, nor will our space allow us to do more than advert to the present crisis of that settlement,—a crisis threatening a war more costly and destructive than any of the previous ones, and which would quickly spread from the frontiers of Natal to Kaffraria and the Orange River. The population of Natal is computed to contain only some 5000 whites as compared with 100,000 blacks. Of these last, chiefly Zoolahs, about 40,000 we found there as aborigines; about 35,000 had fled to our rule for refuge from the cruelty of the native tyrants Chaka and his successors; and the remainder, having been originally aborigines, but driven away by these same tyrants, who at one time had possession of Natal, have also now returned to live under our protection.* For a time, while the white settlers were so few in number as to need labour more than land, these refugees seem to have been welcomed. Now, however, the best locations are becoming scarce; the whites are looking enviously on the lands not only of the immigrant but of the aboriginal population; each race is beginning to trespass upon the other, and these causes of irritation are not lessened by the fact that many of the whites being the remnants or relatives of the Dutch Boers, from whom we by force took the colony, they devoutly disbelieve the right of a native to hold land, and as patriotically inveigh against any British governor who may try to protect him in his holding. The Bishop of Cape Town in his journal of his visitation tour writes as follows:—'If we are to pursue the system which we have already

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that almost every householder, whatever his race or colour, has a vote. There has long been in the colony an active and increasing party who know the natives well, and know that the only way to manage them, either as subjects or neighbours, is by justice and consideration. The Kafirs, moreover, by their prowess and organisation, have proved their claim to be considered; and we doubt not that in the Cape parliament men like Sir Andries Stockenstrom will reply to the assertion by Downing Street that the colony is to pay for its own wars, by telling whatever general officer Downing Street sends out as Governor how to preserve peace.

There are, however, one or two questions which we suppose the Home Government will not consider within the province of the new Colonial Authorities to decide, and which yet are so important that they must affect the whole future of the colony.

(1.) Hitherto we have hardly touched upon the position or prospects of Natal, nor will our space allow us to do more than advert to the present crisis of that settlement,—a crisis threatening a war more costly and destructive than any of the previous ones, and which would quickly spread from the frontiers of Natal to Kaffraria and the Orange River. The population of Natal is computed to contain only some 5000 whites as compared with 100,000 blacks. Of these last, chiefly Zoolahs, about 40,000 we found there as aborigines; about 35,000 had fled to our rule for refuge from the cruelty of the native tyrants Chaka and his successors; and the remainder, having been originally aborigines, but driven away by these same tyrants, who at one time had possession of Natal, have also now returned to live under our protection.* For a time, while the white settlers were so few in number as to need labour more than land, these refugees seem to have been welcomed. Now, however, the best locations are becoming scarce; the whites are looking enviously on the lands not only of the immigrant but of the aboriginal population; each race is beginning to trespass upon the other, and these causes of irritation are not lessened by the fact that many of the whites being the remnants or relatives of the Dutch Boers, from whom we by force took the colony, they devoutly disbelieve the right of a native to hold land, and as patriotically inveigh against any British governor who may try to protect him in his holding. The Bishop of Cape Town in his journal of his visitation tour writes as follows:—'If we are to pursue the system which we have already

* See Evidence of Mr. Shepstone, native agent, before Natal Commission, 'Cape Commercial Advertiser,' Jan. 19. 1853.

'in some degree adopted towards the native tribes, the same 'judgments from a just God which have already overtaken the 'Boers for their cruelties and injustice towards the poor heathen 'will assuredly come upon us. I fear we are treading in their 'steps.' And after stating that it was proposed 'to fix the 'whole coloured population of Natal in ten locations,' he adds, that 'unless all land set apart for the natives be vested in trus-'tees for their use, they will be gradually deprived of their 'land, *no local Government will be able to withstand the restless 'and insatiable demands of the white man.*'* The Bishop wrote this in 1850; whether all the locations he alludes to were formed we cannot discover—we think not. At any rate, some of the present locations are so densely peopled as to have forty-five souls per square mile†; and yet even these locations are so much coveted, that, not content with thus cooping up the natives, there is now a great attempt to expel them altogether.

During the winter before last there was a Commission sitting at Natal, composed of the principal settlers and some of the officials, for the purpose of inquiring into the 'past and present state of 'the Kafirs in the colony, and reporting on their future Go-'vernment.' And certainly if the opinions and wishes expressed by some of the members of this Commission be any index of the prevailing feeling among the white population, especially of Dutch descent, we can better understand both the Cape history before Lord Glenelg's despatch, and to what use the British power in Natal will be turned if the Dutch settlers have the direction of it. A Mr. Potgieter, a member of the Commission, proposes not only that the main body of the Kafirs should be driven to the extreme border of the colony, if not beyond it, but that there 'should be a law obliging them to furnish their 'young men to be labourers to the colonists; inasmuch as he 'thinks that compulsory labour would tend to civilise them.' Another member of the Commission, a Mr. Scheepers, goes further than his colleague, for he would 'remove all the Kafirs, 'both aboriginal and non-aboriginal, beyond the Umzimkulu,' that is, altogether out of the colony: he 'would abolish the 'present locations altogether,' and if the Kafirs caused a force to be assembled and expense incurred in order to compel them to remove, he 'thinks a good punishment' to them for having 'refused originally, even though they should after all remove 'without coercion,' would be to 'take from them and apprentice

* Bishop of Cape Town's Journal of Visitation Tour, p. 59.

† See 'Cape Commercial Advertiser,' Feb. 16. 1853.

'for a period, say five years, all boys between ten and fifteen 'years of age.'

No wonder that this gentleman states that 'the Boers emi-'grated from the old colony in consequence of the oppression 'by Hottentots and Kafirs,' seeing that he afterwards explains such oppression by his statement that 'one of the reasons which 'led to the emigration was that black and white were subject 'to the same laws.' Again, a Mr. Pretorius says, 'he would 'make a law for the Kafirs that every man having a Kafir 'should be allowed to flog him when he misbehaved, of course 'in a moderate way.' Mr. Peppercorne, magistrate for the Natal tribe, describes as follows to the Commission the natives thus proposed to be expelled or enslaved:—'I find among them 'many moral qualities; I find great respect for their chiefs and 'elders, and therefore, I infer, to constituted authority. There 'is also an absence of rude or brutal behaviour, and therefore a 'deference to each other in manners; I have hardly ever been 'met by an untruth, and they punctually perform their engage-'ments when they have previously understood them, and have 'not been intentionally deceived or entrapped. . . . There must 'be great mental obliquity in any one who can deny their general 'honesty, or they would not be trusted as domestic servants to 'an extent that is not often practised in civilised communities. 'To designate these people as irreclaimable savages is the libel 'and pretext of those who seek to rob them of their birthright as 'human beings.'* This character of the natives has been confirmed to us by the experience of private settlers; but we must now conclude our extracts from the evidence of this Natal Commission with the two following statements:—1st. That a Mr. Preller calculates in his evidence that 500 Boers, supported by, *say* 5000 *or* 6000 *British troops*, would be required to clear Natal of the Kafirs; and, 2ndly, Mr. Shepstone, the chief superintendent of the natives, hands in a report which he made to the Government Secretary, December 9th, 1851, in which he says that the Lieut.-Governor had already 'commenced the 'removal of the natives from their locations, by selling at public 'auction, in allotments, a portion of land to which a chief and 'tribe have an original claim, extending uninterruptedly through 'all the vicissitudes of native warfare, over several generations, 'and by far the strongest in the district.'

Sir George Clerk, it has been stated, is to proceed from the Orange River Territory to Natal to settle affairs there, and we

* See 'Cape Commercial Advertiser,' in different numbers of which are extracts from the report of this Commission.

think we have said enough to show the necessity of his not leaving that settlement until he has made it impossible that either British Governors, or British troops, or British money, can be employed in abetting that robbery and oppression which, to our honour, we have prevented at the Cape. We are glad, however, to learn by a Cape newspaper*, that he will find that an officer has been 'busily employed assigning lands in the Kafir 'locations to the Kafirs to hold in their individual right;' an arrangement, probably, in furtherance of an excellent suggestion from the Duke of Newcastle, that the natives should thus be assisted to acquire votes before a constitution be given to Natal, and one also more likely to lead to their civilisation than the old practice of assignment to them of lands in common; which, therefore, we should be glad to see imitated, both in Kaffraria and Victoria. The fact reported in the same newspaper, that in one location 3000*l.* had already been paid by the Kafirs in hut taxes for one year, and that fully 10,000*l.* was expected from the locations generally, may well have encouraged the local Government to take this step.

(2.) Urgent and important, however, as will be the duties which Sir George Clerk will have to perform in Natal, those which he has to fulfil in arranging the relations of the colony with the Emigrant Boers, and with the Provisional Government of the 'Territory,' are no less so.

Our readers are already aware of the tendency which the Cape farmers have shown, ever since the formation of the colony, to 'trek' over the border, to the great inconvenience of the Government, which could not divest itself of the responsibility of their actions. In this manner, long before 1836, the country north of the Orange River had become thinly dotted with farmers, shifting for themselves among Griquas†, Bechuanas, &c., as they best could. In 1836, however, there was a large organised emigration; partly out of Dutch hatred to British power, partly out of dislike to the new mode of dealing with the natives, and very much out of dissatisfaction with the emancipation of the slaves, and with the mode and amount of compensation, they went off in large bodies to Natal, where, after fierce conflict with the ferocious and treacherous Zoolah tyrant, Dingaan, they established themselves as an independent community, renouncing their allegiance to the British Crown. A

* Commercial Advertiser, Aug. 25.

† These Griquas are the descendants of Dutch fathers by Hottentot mothers, who, many years ago fled to the wilderness, driven thither by the prejudice against colour then rampant in the colony.

small body of troops was in consequence sent against them, and, in 1842, after a desperate conflict, lasting for many months, and in which the Boers showed the most obstinate bravery, the British flag was hoisted in Natal, some of the Boers remaining as British subjects, but many of them marching under the leading of Pretorius, a farmer of great bravery and energy, over the Drakenberg Mountains into the country beyond the Vaal, to which already some few of their compatriots had wandered. It is impossible to refuse admiration to the gallantry with which these emigrants faced danger and privation rather than submit to a yoke which they hated. Not a few were in comfortable circumstances, but, selling off their property at any sacrifice, they packed the remnant of their goods in their waggons and wandered off to seek a new home in the wilderness. But mingled with this courage there is a most fierce and ignorant fanaticism. The Bishop of Cape Town tells us that some of them regard the English Government, and others the Queen herself as Antichrist; and that some of them encouraged themselves in their journeyings by the belief that they were on the way to Jerusalem, and, indeed, deceived by the apparent nearness of Egypt in the maps of their old Bibles, thought themselves not far off the Promised Land. No wonder that, spite of their proverbial hospitality, the English bishop, on his visitation tour, was refused a night's lodging by these Dutch Calvinists. Their conduct also to the natives, judging both from their public addresses and from their acts, appears to have been prompted, and may in measure be palliated, by their evidently honest conviction that between the white and the black man there is an irreconcilable difference; and the natural result of this conviction has been constant appeals to the colonial authorities from the black and coloured races to prevent these renegade colonists from robbing them of their lands, or making them slaves. Up to 1845, however, little or no attempt was made towards their control, except the enactment, in 1836, by Parliament, that 'Every British subject committing crime be-'tween the confines of the colony and the twenty-fifth degree 'of south latitude, was liable to be apprehended, tried, and 'punished, exactly as if he had committed those crimes in the 'colony itself.' This act, of course, was waste paper without efforts to enforce it; and, accordingly, in 1845, Sir Peregrine Maitland placed for that purpose a British resident beyond the Orange River with a small body of troops. This was the state of things in the beginning of 1848, when Sir Harry Smith, having, as he supposed, settled Kaffraria into a peaceful British province, went from King William's Town over the Drakenberg

into Natal. Personally, he was popular among the Boers; they liked his open-hearted soldierlike manners; they believed in his mode of dealing with the natives, and not a few of them had fought under his gallant leading in the war of 1836. The district also through which he passed was that which had been longest peopled, in which there were not many of the fierce Natal men, and where, from the power of Moshesh and the organisation of the Griquas, under Adam Kok, the settlers were less unwilling to be British subjects if they could be backed by British power. Taking therefore at their word those who gathered round him, stating that they wished for a strong Government, with its accompaniments of peace, law, and order, Sir Harry Smith took possession of the district occupied by those of the emigrants whom he believed to be desirous of British rule, leaving the more hostile band of Pretorius and his followers still in their anomalous position of subjects to the Queen, though dwelling beyond her empire, and themselves disowning her authority. Hence arose, on the one hand, the Orange River Sovereignty, and, on the other, the Trans-Vaal Republic. How far Sir Harry Smith duly estimated the loyalty of the inhabitants of the former district it is hard to say; upon the whole we are inclined to think that he did not much overrate it, and that they would have remained faithful had it not been for the intrigues and actual invasion of Pretorius. As it was, a few of them joined the invaders; the Governor met them at Boem Plaats, in August, 1848; they fought with their characteristic bravery, but were defeated. A price was put on the head of Pretorius, as a rebel, and for more than three years after this battle, these Trans-Vaal outlaws continued gradually forming themselves into some semblance of an organised community, with Pretorius as their commandant-general, constantly intriguing against us with the Zoolahs, Bechuanas, &c., and keeping the Governor in fear lest they should even join the Kafirs. It was in this state of suppressed but moody hostility that Sir George Cathcart found them, and effected an entire change in their relations with the colony. The Commissioners, Major Hogge and Mr. Owen, were instructed, when on their mission to the Sovereignty in January, 1852, to listen to their proposals for peace; their outlawry was cancelled, and their independence officially acknowledged by a formal treaty.

To the second clause of this treaty we must especially draw the attention of our readers. It declares that 'Her Majesty's 'Assistant Commissioners hereby disclaim all alliances what-'ever and with whomsoever of the coloured nations north of the

'Vaal River.'* Even if the new republicans had never been charged with injustice towards their and our native neighbours, this clause, shutting ourselves out from all friendly relations with the latter, would certainly have been an extraordinary one; but to those who have perused the former Cape Despatches, with their abundant proofs and complaints of such injustice, thus to make peace with our enemies, at the price of handing over to their mercy our allies, cannot but seem most strange. If we refer, however, to a despatch from Lord Grey to Sir Harry Smith, in November, 1850, we shall find an explanation why the Boers required this clause, and also a striking instance of the contradictions in our frontier policy. In this despatch his Lordship, remarking on the lawless violence with which the Boers had stopped some traders and travellers on their way to the newly discovered Lake Ngami, sketches out a system by which he conceives that, at very small cost, the native chiefs might be united under the guidance of a British officer, so as 'to put a final and complete check to the proceedings of the 'Boers;' and by 'planting civilisation in that part of Africa, 'to prevent their spreading over the continent, and their op-'pression and extermination of the native races.' Whether it was desirable thus to try to prevent native extermination might possibly be questioned; but it is curious that Sir George Cathcart, with this despatch before him, should sign a treaty with these very Boers; giving them, in fact, a license to subject, if not exterminate, these natives. Nor does it seem that he was ignorant of the mode in which the Boers were likely to avail themselves of this license. The following month Lieutenant-Governor Pine, of Natal, writes to complain that —

'From the reports which have reached me from authentic sources, I learn that Mr. Pretorius and his associates beyond the Vaal River, imagine that the treaty with her Majesty's assistant commissioners, has placed the Chief Panda and his country under their exclusive control, and that henceforth this government is not to enter into any diplomatic relations with that chief, who is to be considered the ally, or rather subject, of the Trans-Vaal Boers. The Boers seem to ground this view of the matter upon the part of the treaty which leaves to them the management of the natives beyond the Vaal River, and they further assert that it was so understood when the treaty was executed.'†

To which letter the Governor replies, that: —

'Forasmuch as we should object to the Boers beyond the Vaal

* Parl. Papers, Orange Riv. Ter. 1853, p. 36.
† Ibid. p. 66.

River forming alliances with Moshesh for instance, or any other coloured natives south of that river, which might be prejudicial to the interests of her Majesty's subjects, so it appears to be just, that we should disclaim alliances with those north of the Vaal River, amongst whom the Boers can only live by *exercising a requisite supremacy for their control;* and therefore reciprocal non-interference is equitable and indispensable.'*

The following extract from a letter from Dr. Livingstone, a medical missionary who has been eight years amongst the tribes north of the Vaal, will show how the Boers are already exercising this 'requisite supremacy.'

'Frequent attempts were made by the Trans-Vaal Boers to induce the chief Sechele to prevent the English from passing him in their way north, and because he refused to comply with this policy, a commando was sent against him by Mr. Pretorius, which, on the 30th September last, attacked and destroyed his town, killed 60 of his people, and carried off upwards of 200 women and children. I can declare, most positively, that except in the matter of refusing to throw obstacles in the way of English traders, Sechele never offended the Boers by either word or deed. They wished to divert the trade into their own hands. They also plundered my house and property, which would cost in England at least 335*l.* They smashed all the bottles containing medicines, and tore all the books of my library, scattering the leaves to the winds; and besides my personal property, they carried off or destroyed a large amount of property belonging to English gentlemen and traders. Of the women and children captured, many of the former will escape, but the latter are reduced to a state of helpless slavery. They are sold and bought as slaves; and I have myself seen and conversed with such taken from other tribes, and living as slaves in the houses of the Boers. One of Sechele's children is among the number captured, and the Boer who owns him can, if necessary, be pointed out.'†

The clause in the treaty following the one above alluded to, states, 'that it is agreed that no slavery shall be permitted or 'practised in the country to the north of the Vaal River by the 'emigrant farmers.' Therefore, by the statement of Dr. Livingstone this treaty was broken, and if the clause meant anything, an appeal rested from the sufferers from its breach to the Colonial Government, as one of the contracting parties. Dr. Livingstone's assertion of such infraction cannot of course be considered conclusive evidence, but it has been confirmed by the

* Parl. Papers, Orange Riv. Ter. 1853, p. 67.

† Parl. Papers Orange Riv. Ter. 1853, p. 126. Dr. Livingstone's name will be well known by all who take an interest in African discovery, as that of a scientific and most enterprising traveller, and as one of the first Englishmen who visited the Lake Ngami.

protest of two other missionaries, Messrs. Inglis and Edwards, who were for protesting expelled the Trans-Vaal territory; and also by the official report by Messrs. Frere and Surtees, the Slave-Trade Commissioners at Cape Town, who in their memorial to Lord Clarendon, say, 'Your Lordship will perceive that the 'capture of children does not appear to have been denied by the 'Boers, but was rather justified as productive of benefit to them, 'and that they were stated to have been inboeked or appren-'ticed, the females till twenty, the males till twenty-five years 'of age.'* Nevertheless, upon the chief Sechele appealing to Sir G. Cathcart for redress, he does not even ask the new republic for explanation, but simply informs the chief of the improbability of the British Government 'sanctioning interference 'in any quarrels between the Trans-Vaal emigrants and the 'aboriginal nations north of the Vaal River.'† At least, however, it might be expected that the British Government should not sanction quarrels, and yet we find Mr. Green, the British Resident in the Sovereignty, replying to a letter from Pretorius informing them of the attack on Sechele, by a letter which ends with 'reciprocating good wishes in desiring every 'success 'to the Trans-Vaal country,' and says that, as he fears, the 'attack on the tribe of the chief Sechele may so enrage the 'natives in the interior against the whites as to endanger the 'lives of the colonial traders at present at the lake and its 'vicinity, he begs therefore he (Pretorius) will have the good-'ness to issue instructions to any commando he may have in 'that neighbourhood to afford them protection as far as practi-'cable.'‡

With these Despatches before us, we cannot but fear that there is some ground for Pretorius's statement, as reported by Mr. Inglis, that when he met with the Commissioners 'they 'said it was all right to take the Kafir children and make them 'useful,'§ and for Dr. Livingstone's statement in his memorial 'that the Trans-Vaal Boers universally declare, that when they 'asked what was to be done with missionaries, Mr. Commissioner 'Owen replied, "You may do as you like with them."'‖ Nor is this instance which we have given a solitary one; we find but too much proof, both in the Despatches and in the reports from missionaries and travellers, that there is not a tribe in the neighbourhood of these fanatical republicans which does not fear, and with reason, for their own lives, and for the liberty of

* Parl. Papers, Orange Riv. Ter. 1853, p. 120.
† Ibid. p. 112.
‡ Ibid. p. 75.
§ Ibid. p. 122.
‖ Ibid. p. 126.

their wives and their children; and we cannot wonder that the missionaries have protested against the withdrawal of British rule from the Sovereignty, in the belief that its probable result and that already contemplated by Sir George Cathcart, viz., the annexation to the Trans-Vaal State of the Orange River territory*, would be the signal of their own expulsion and of an exterminating war in place of present efforts to civilise and Christianise.†

(3.) Whatever the grounds of this protest, it has turned out of no avail. The abdication of the 'Sovereignty' is now a *fait accompli*, and unless or until the Colony and the 'Territory' express through their respective representatives a desire to reunite, it is useless to discuss the disadvantages of disunion. The sole question now is, how can our Government withdraw its rule in such a manner as to give its old subjects, whether Whites or Blacks, Boers or Bassutos, every chance of amalgamation into a peaceable community? We confess that a perusal of the Blue Book just presented to Parliament, induces us to fear that the arrangements now making with the new State are little calculated to produce such a result.

Sir George Clerk in his Despatches describes two parties in the Territory, a minority consisting chiefly, as he says, of English land speculators, desirous to remain British subjects, and a majority, mostly Dutch, anxious for annexation to the Trans-Vaal Republic. For one condition, however, both parties stipulate, viz. that the British Government, in withdrawing its rule, shall cancel all treaties with the natives.‡ This condition is doubtless borrowed from that clause in the Trans-Vaal treaty to

* The Boers at their late Volks-raad have shown their intentions and aspirations by changing the name of their State from 'Trans-Vaal Republic' to 'South African Republic,' at the same time showing what manner of republic it will be by passing a law 'excluding from their community persons of all religious denominations, except the Dutch Reformed Church.' See 'Cape Commercial Advertiser,' January 21. 1854.

† What this Territory or any other South African District may expect to lose by substituting for the influence of the missionaries the supremacy of the Boers, can be estimated by the following statement by Colonel Maclean, successor to Colonel Mackinnon as chief commissioner of British Kaffraria, who annexes to his summary of Mission Reports for Kaffraria for 1853 the remark, 'that the whole of the Mission population (numbering 2523), with the solitary exception of one Kafir, remained faithful throughout the war, and in many instances realised considerable property by their industry, and their conduct has given universal satisfaction.'

‡ Parl. Pap. Orange Riv. Ter. 1854, pp. 45. and 62.

which we have objected; and considering the consequences which have already followed from this clause, we cannot but express our surprise that Sir George Clerk appears to accede to its adoption; still more do we wonder and regret that, spite of the information which he must have received from the Despatches above quoted, the Duke of Newcastle should instruct Sir G. Clerk that 'the articles agreed on by the Trans-Vaal Boers 'appear to furnish a ready precedent for a Convention,' upon which can be arranged 'the basis of separation.'* By another of these articles, which also appears considered worthy of imitation, it was agreed that while the Colonists should be allowed to supply ammunition to the Emigrants, all trade in firearms, &c. should be prohibited with the natives.†

Now, what will be the probable, nay almost the certain result of these arrangements? Between the Boers, reinforced as they will be by the Emigrants, who are as reckless as they are brave, and the natives suspicious of fresh aggression in the remembrance of past, and conscious of the temptation presented by their fertile pastures‡, conflicts are sure to arise. Sir George Cathcart foretells 'border warfare between the Basutos and the Zoolahs on 'the one part, and the Boers on the other, if the latter will covet 'their neighbours' goods;' and therefore he advises the Colonial Government to stand by and look on, stating that 'both parties 'are much less likely to quarrel when left to themselves.'§ We doubt whether under any circumstances this non-intervention policy would be practicable, but certainly neither Governor nor Commissioner appear to be endeavouring to practise it. We do do not leave the disputants to themselves, when, in order to make treaties with the one side, we cancel treaties with the other; when we provide how the one party shall get arms, and the other shall be hindered from getting them; when, for example, Sir G. Cathcart refuses to continue a treaty with Waterboer's people—'Hottentot refugees,'—who, he says, 'have ever 'been faithful to their alliance,' because 'the stipulations in it in 'respect to the supply of arms, gunpowder, &c., would be in-'compatible with the convention entered into with the Trans-

* Parl. Pap. Orange Riv. Ter. 1854, p. 88.

† Ibid. 1853, p. 37.

‡ The district yet occupied by Moshesh and his Basutos, much diminished as it has been by the encroachments of the settlers, is acknowledged by both Sir G. Clerk and Sir G. Cathcart to be still the most fertile, and, therefore, the most desirable in the 'Territory.' Parl. Pap. Orange Riv. Ter. 1854, pp. 27 and 38.

§ Ibid. p. 7.

'Vaal Emigrants.'* Whatever the prohibitions of the Colonial Government, the natives will get arms as they have done before from the Colonists or other Europeans; the 'border warfare' Sir G. Cathcart foresees, will break out, but it will not be restricted to the borders of the 'Territory;' not only will Panda and his Zoolahs join the Basutos and the Bastaards, but within Natal the 100,000 blacks will take one side, the 5000 whites the other. Possibly the Colonial Government may for a time postpone its participation in the war, by allowing the annexation of Natal to the South African Republic; but, first or last, the Colony will certainly be involved. Even if the Dutch Colonists can be withheld from helping their kinsmen, this war of races cannot rage around the Kafirs, subject or independent, without their gladly seizing the opportunity to rise. Kreili and Sandilli, to say nothing of the Hottentots, will take care to make our neutrality impossible; and if we are cowardly or selfish enough to buy friendship with former foes or subjects, by thus handing over old allies to their mercy; if we thus shrink from our duty, which is to keep the peace in South Africa, our punishment will be the alternative of waging a bloody and expensive war in order to restore peace, or of flying from South Africa altogether. Surely, then, it is no less our interest than our duty to make it known to all our South African neighbours, be they former subjects, or rebels, or allies, that whatever their race, or colour, or history, the Colonial Government will give them equally its aid and its friendship, so long as they refrain from aggression upon one another, and no longer.

We have now attempted to glance at the chief features of this complicated subject, and those of our readers who have had patience to accompany us thus far will not, we think, dispute our conclusion, that neither Colonial Secretary, nor Colonial Authorities, nor British Parliament, can hope to prevent Kafir wars in future, except, first, by looking the facts of our relations with the natives fairly in the face; and secondly, by determining to deal with these facts in a spirit as fair to the natives as to ourselves. At this distance from the scene of action, and with the ignorance which such distance must involve, it is not for Parliament to decide, much less for us to suggest, solutions of questions of detail. But there are in the records of the past two or three lessons so clearly written, that

* Parl. Pap. Orange Riv. Ter. 1854, p. 2. By late accounts we learn that our long existing treaty with the Griquas, another tribe of mixed breed, who have often done us good service in our wars, is also annulled.

it would be hard for any impartial observer not to apply them to the present and the future. From the earlier of these records we learn, that the ill-gotten gains of individual colonists have cost the Empire ten times their value to preserve; and that the bitter feelings which acts of former injustice have sown, will yet take years of just government to root out. Let then the penalty which the Cape has had to pay for its former permission of injustice, be a warning to Natal. In like manner it has been proved, that whatever we have taken from these Kafirs in land, we have been obliged to give back in soldiers, and that of the two the soldiers cost most. A generous provision for the conquered Gaikas, an allotment of land large and fertile enough for them to live on, will therefore turn out the best economy. Again, if we have succeeded in making our readers share our conviction, that of late years the treatment of the Kafir Chiefs has been such as at least to give them a pretext for war, if not to provoke them to it, surely it needs no argument to show that neither the interests of the Empire, nor the dignity of the Crown, can be consulted by a policy which provides such pretexts; and that by no bribe of a Constitution will the Home Government, so long as it continues this policy, be able to induce the Colony to bear the sole burden of its consequences. Lastly, if the Government persists in the policy of patching up a peace with successful rebels, or purchasing the forgiveness of forsaken subjects, by conniving at their attacks upon their unoffending neighbours, it will do well to remember how inflammable have been proved to be the passions of these Africans, whether Christian Dutch, or Heathen Kafir; and how all history has proved yet more plainly, that no nation can get rid of responsibilities, or shirk duties, by simply refusing to fulfil them, or escape sharing in the penalty of crimes the commission of which it sanctions.

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ART. V.—*An Essay on the Relations between Labour and Capital.* By C. MORRISON. London: 1854.

WE incline to think that Mr. Morrison has done considerable injustice to his work both by the title he has bestowed upon it, and by the time which he has chosen for bringing it out. It is really a practical and most interesting treatise on the great social and political problem of the age; and he has given it a name calculated to repel all readers save those who have been inured to the driest, dustiest, most trodden pathways of Economic Science. He has also sent it forth into the world at a mo-

ment when three years of unexampled prosperity have somewhat dulled the edge of our sensibility to questions connected with the condition of the labouring class, and when the tumult of war, and the interest of a struggle for civilisation and for justice will scarcely allow any other voice to be heard or any other interest to be felt. A few years ago, when distress among our working population was, if not general, at least chronic and severe, when the public mind was at once wounded by startling disclosures of misery, and distracted by still more startling projects for relieving it, the book before us would have excited immediate and extensive attention. A few years hence, probably, when the stirring excitement and the noble enterprise of war shall have again given place to the more beneficent pursuits of peace, and when, possibly, a check to our prosperous career, arising out of war, shall have again awakened our vigilance to those symptoms of social disorder which we are apt to neglect in ordinary times, the book may take the rank it appears to us to deserve. At present, we fear, it is likely to be read chiefly by those to whom the subject of which it treats is a favourite *specialité:* our good word, however, must not be wanting to give it currency, and to speed it on its way.

In truth, the great problem it proposes to discuss and elucidate is one of more permanent and mighty interest than any other, however much transient convulsions may throw it into the back ground, or transient intervals of repose and comfort may lull us into a belief that it is solved or shelved. It is not long since public attention was thoroughly aroused to all that was deplorable, indefensible, and dangerous in the condition of the mass of the population: we were daily made aware that, as a fact, the supply of labour was usually in excess of the demand, and that much local and occasional suffering was the consequence; but it was not till the Irish famine, and the similar visitation in the Western Highlands, the severe distresses in the manufacturing districts of England in 1847 and 1848, and the painful and undeniable, even though over-coloured, revelations of the state of many thousand artisans of various trades in the Metropolis, had alarmed us into inquiry and reflection, that the public mind began to comprehend either the magnitude and imminence of the evil it had to investigate, or the difficulty and complication of the problem it was called upon to solve. Then came a perfect inundation of suggestions, treatises, and projects: empiric philanthropists insisted on their anodynes and salves; energetic workmen started co-operative schemes; benevolent Socialists, Pagan and Christian, propounded their theories, and hard-headed economists demonstrated their futility; — but little was done towards a systematic study or exposition of the question. Men of

political science treated it only incidentally; men of active benevolence treated it unscientifically, and therefore unsoundly; and the chapters devoted to its discussion by Mr. McCulloch, Mr. Mill, and Mr. Greg, rather opened the subject than exhausted it; and though full of correct principles and useful suggestions, left a wide field for any one who felt disposed and competent to undertake the matter as a whole. This vacant niche in our literature Mr. Morrison has modestly and ably attempted to fill. Trained to the severe reasonings of Economic Science, firm in his allegiance to its great principles, and full of faith in their beneficent power and their universal applicability, he sets out from this starting point to discuss the condition of the labouring classes, and their relation to their employers; the mode in which this condition can be permanently elevated, and this relation rendered sound and satisfactory; and, as a cognate problem, the method, 'by which the growing political importance and probably eventual, though, it is to be hoped, still distant political ascendancy of the working majority of the nation, may be rendered consistent with the stability of our national institutions, the security of property, and the predominance of high and refined intellects in the government.'

Both problems we believe to be capable of solution. We believe also that in all our recent history no times have occurred so favourable as the present for a practical advance towards their solution. The late vehement contest in the North of England between labour and capital for the command over their joint exertions, and for a re-distribution of their joint earnings, has clearly shown that the operatives, at least — improved and intelligent as they are — do not yet understand the conditions of the question between them and their employers, and that, while much of their old violence has disappeared, many of their old fallacies still keep their ground. It is obvious that we can have no security against a recurrence of such profitless and wasteful strifes till the causes which regulate the well-being of the several classes of the community shall be thoroughly comprehended by each, and till all shall bow, as to the unchangeable ordinances of nature, before those eternal laws of economic science against which all rebellion is childish, futile, and suicidal. It is plain, too — and the circumstances of the Preston strike must have forced it upon the observation of the most careless — that such internecine struggles in a free country like ours become every year more dangerous in proportion as the working classes become more wealthy, more instructed, better organised, and in consequence more powerful; and that if the time shall ever come when, as the electoral franchise becomes more widely diffused among those classes, the same command of funds,

the same stubborn resolution, the same skilful organisation, the same mighty agencies for persuasion and intimidation, which we have seen turned against their masters and directed to the extortion of pecuniary advantages, should be turned against the authorities of the State, and directed to the extortion of political demands, the very foundations of our now firm and well-ordered social fabric may be shaken. We have seen a body of many thousand workmen carrying on a contest with the industrious capitalists who had employed them — maintaining the struggle for a period of thirty-six weeks, and with a spirit of unyielding obstinacy, which for a while made it very doubtful whether they would not eventually succeed, though supported only by their own small savings and the contributions of their fellow-workmen in other districts — levying on other sections of the labouring community a revenue, partly voluntary partly forced, amounting to 3000*l.* a week — preserving decent order and scrupulous peace (a considerable degree of subterranean compulsion excepted) among crowds whose privations must have often been most severe — enduring these privations with admirable constancy and patience — persisting in their course, in defiance of the reprobation of almost the entire press of the country, and the still heavier opposition of a price of provisions high almost beyond example — and only not succeeding because success was economically impossible, because their time was singularly ill-chosen, because their demands were utterly irrational, because their case was hopelessly bad; — and because they had made it to their employers a struggle not merely for wages, but for mastery, for safety, for dignity, for future peace.*

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* We have received a statement of the pecuniary mischief of the Preston strike, which we annex:—

| | £ |
|---|---|
| Estimated trading loss to the employers | 50,000 |
| Loss by depreciation, interest, &c. | 67,000 |
| Unavoidable expenses in wages, fuel, &c., during the strike | 28,000 |
| Loss in working machinery with too few or inferior hands | 20,000 |
| | 165,000 |
| Loss of wages to operatives | 250,000 |
| Loss to contributors to the Strike Fund | 97,000 |
| Estimated loss of profits to shopkeepers and publicans | 11,250 |
| Estimated loss to ancillary employments | 10,000 |
| | 533,250 |

If trade had been brisker, if provisions had been lower, if their demands had been less obviously unfair, if their projects of dictation had been less insolently and incautiously asserted, it is by no means impossible that they might have succeeded in overpowering the Preston manufacturers first, and then in subduing all others in turn, as was their avowed design. And if the majority of them had possessed the suffrage, if their union had extended over the whole country, if their contributions had been levied on all branches of industry instead of on a few, and during a period of universal employment instead of one of partial stoppage, and if this organisation and these funds had been devoted to the attainment of some political privilege, or the triumph of some pet crotchet or favourite dogma — all which possibilities are on the carpet — it is hard to say *how* they could have been baffled, or whether, indeed, they could have been withstood at all.

Moreover, if the struggle between labourers and capitalists for the lion's share of profit and of power should, ever in this country, assume a chronic, general, and systematic form, it will, as Mr. Morrison has well pointed out, be conducted on a scale and be attended with consequences of which no other country can furnish an example. Our middle class, it is true, is numerous, our upper class is strong, and the union between them in all important crises is cordial and instinctive; socialist theories find small currency among us; the feelings of the masses are, on the whole and usually, generous and sound; and the idea of employing the agency of the State to better the condition of particular classes by a redistribution of wealth or a regulation of intercommunal relations, has not yet become as familiar to us as to our neighbours.

'But though the prospect of political danger from this cause is happily distant in this kingdom, it should not be overlooked that there are circumstances in our condition which would make the difficulty even more unmanageable here than in France, if it should hereafter overtake us. In France the number of proprietors of land is so immense, that if we add to them the members of their families, the classes possessed of personal property, those living by intellectual labour, and the immense army of persons in the employment of the state, the class of manual labourers living on wages received from capitalists is seen to be only a minority, and not even a large minority of the nation. And as the collection of large masses of this last class into great centres of manufacturing industry is carried to a much smaller extent in France than in England, and it is only when so collected that they have hitherto been able to combine for great political objects, the class of working men, who installed and supported the revolutionary government in 1848, was only a small part of this

minority. The 11,000,000 of landed proprietors [5,500,000 only of proprietors] were an insuperable bar to any legislation against property; and the immense preponderance of the rural population over the few hundred thousands of revolutionary *prolétaires* of Paris and Lyons limited the ascendancy of the latter to the time required by the former to comprehend their position, to find leaders and a definite course of action, and to apply to this the right of universal suffrage which the revolution had given them.

'But in England and Scotland the classes living by wages form the majority of the population. Not only is the division of the nation into a minority of possessors of property, and a majority of working men having little or no property, more complete than in France or most continental countries, but both the wealth and the labour are collected into masses in a greater degree than elsewhere. Hence, if the improvement of the relations between capital and labour by the authority or with the favour of Government, should ever become a practical political question, it will assume dimensions unknown in most other countries. It will be a direct appeal to the interests and passions of the majority of the whole nation against a minority; and there will be no third party capable of holding the balance between them.' (Pp. 7, 8.)

It is obvious that the most effectual, if not the only guarantee against the prospective danger here pointed out, as against the minor evils which constantly arise from the mitigated form which alone the strife between the two great elements of production has as yet assumed in this country, must be sought by instilling into the operative classes not only a theoretical conviction, but a living faith, that the laws which govern the distribution both of power and wealth between them and their employers are as fixed and unbending as the laws of nature — like them, plain and discoverable — like them, proving their existence and supremacy by rewards to those who study and obey, and penalties to those who violate or neglect them — like them, inexorably deaf to passion or complaint — like them, mightier than parliamentary authority — like them, more enduring than human theories. Much has already been done towards inaugurating this conviction; many false doctrines have been shaken from their hold; many dark places, wherein malignity nestled with delusion, have been irradiated by the light of reason, and, on the whole, we are not sure that sound principles and clear comprehension of political economy are not making more way among the intelligent operatives of our great centres of industry — strong as are the barriers of misconceived personal interest which they have to surmount or batter down — than among the speculative philanthropists of the higher and more cultivated classes. Still, the full bearing of these prin-

ciples is not perceived, nor their application to the questions and conflicts of the day unreservedly admitted, nor the strict and cogent sequence with which unwelcome deductions flow from them recognised and established. Unhappily also, clear exposition and irrefragable proof of these points are not the only things wanted; if they were, Mr. Morrison's book would do the business and set the matter finally at rest. The real, and at present nearly insurmountable, difficulty is to bring such expositions home to the people who most need them; to make them read what we write or listen to what we say; to persuade them to turn from the turbid draught and the worthless garbage proffered them by their own scribblers and declaimers, to the wholesome food and crystal stream which are pressed upon them by their real friends; but, alas! too uniformly pressed in vain.

There is and has long been a deep-rooted and wide-spread dissatisfaction among the operative classes with the actual state of the relation between themselves and their employers — sometimes with the relation itself — more commonly with one feature of that relation; viz. the portion assigned to themselves in the division of the profits of production. They believe that, in the distribution of that wealth which their labour and the capital of their masters combine to create, they receive an unfair and insufficient share. The opinion is natural, bears a *primâ facie* appearance of probability, and has been sedulously inculcated at various times by three distinct sets of misleaders — their own chiefs, who either share in their delusions, or seek to make pecuniary profit by fostering them; public men, who do not scruple to make 'political capital' out of popular discontents; and benevolent men, with hearts full of tender sympathy for social suffering, and heads full of wild schemes for its extinction. The conviction on the part of the working class is, therefore, not at all to be wondered at; nor in itself is it to be regretted, since it is the first step towards the amelioration of evils and defects which unquestionably call for and will admit of amelioration: it is only when erroneous theories of the cause of these evils begin to be formed, and unwise plans for their removal to be mooted, that delusion and danger creep in. Those, therefore, are at once the most serviceable abettors of social order, and the best friends of the labouring poor, who, agreeing that the relation between them and their employers admits of improvement, and that their share of profit admits of augmentation, point out to them at the same time the futile and suicidal character of all their own pet schemes for effecting those desired objects, and by

whipping them off all false scents, drive them at last upon the true one.

The English manufacturing operative—shrewd and observant, but with an intelligence naturally quick rather than trained or cultured by regular instruction, by no means accustomed to consider that 'whatever is, is right,' nor to regard his master as a being of higher nature or of claims superior to his own—sees the few broad facts that lie upon the surface and are forced upon his attention every hour;—he sees that *he* lives in an unsatisfactory, cramped, often ill-drained and ill-ventilated cottage or cellar; that he fares hardly, has few holidays, rare luxuries, and scarcely any recreation; that his children run about in the dirt, or that he is pinched to pay for their schooling; that when times of depressed trade come, he is either put upon short time, or thrown out of work altogether, and reduced with his family to short commons, or to absolute distress, or to parish aid;—and all this, though he works twelve hours a day, and is willing to do so, and has done so ever since he can remember. He sees again, on the other hand, that his employer—who perhaps only works six hours a day and whose work to all appearance consists in watching others work, or in writing letters, or in drawing plans, or in buying cotton and selling goods, (and that often by deputy,)—lives in a grand house beautifully furnished and advantageously situated; fares sumptuously every day; takes pleasure trips whenever he pleases; sometimes goes to the sea-side, sometimes to the continent; has ample leisure for the cultivation of his mind; and when bad times come bears them without any apparent privation, lives as before, or at most lays down a carriage, or postpones a journey. He knows too that his master and himself, whose fates seem so different, are yet joint labourers in the production of an article out of the net proceeds of the sale of which both are maintained,—he in penury, his master in opulence; and he naturally jumps to the conclusion that there must be something *awry* (and here he is quite right), and something *unfair* (and here he is quite wrong) in a mode and principle of distribution which assigns such unequal portions in the thing produced to the two collaborating producers, in the relation which admits such inequality, and in the social and political arrangements which sanction and enforce that relation. Sometimes he wishes to abolish the relation of capitalist and workman altogether, and becomes a theorist, a communist, a 'co-operator:' more commonly he desires only a different distribution of profits, some regulation which shall secure to him that larger share which he imagines he deserves, and then he becomes a trades' unionist, or a clamourer for go-

vernment interference either with the hours of labour or with the remuneration of labour. And it is at this point that his most serious mistake, and the peril to social peace arising from it, commence: — that change in the position of matters which he feels, and we admit, to be desirable, he would seek by artificial instead of by natural means, and at the expense of others instead of by his own industry and virtue—by meddling with effects in place of rectifying causes—by quarrelling with, carving and paring the matured but bitter and unsound fruit, instead of remounting to the source of what is wrong, and setting it right there.

Mr. Morrison deals admirably with this part of the subject. He expounds with a clearness and conciseness which we have never seen surpassed the great indisputable truth which lies at the bottom of this whole question — viz. that the rate of wages must always—in spite of interfering Governments or recalcitrant people — depend on the proportion between the fund available for the employment and remuneration of labour and the number of claimants on that fund; that in one form or another it must be divided among *all*, since — in a country like ours, where the law does not allow men to starve — if, in order to afford higher payment to the employed, some are left without employment, these last must be supported in idleness and supported out of the same fund. From this elemental truth follows the practical and irrefragable conclusion — the conclusion with which operatives, and all who would mend their condition have to deal, within whose adamantine limits all their efforts must be confined, in submission and conformity to which all their schemes must be formed — viz. that only two ways exist of augmenting the labourers' remuneration, and that no genius can discover and no power can invent any third way: — either the fund which provides that remuneration must be increased, or the number of claimants upon it must be reduced; — or, to state the case more accurately if less broadly, that the fund must be increased faster than the claimants, by stimulating the increase of the one, or repressing and controlling the increase of the other.

Now, the annual increase of this fund obviously is to be measured by, and indeed consists of, the annual savings or accumulated wealth of the country — the yearly surplus of production over expenditure. The chapter in which this point is treated is one of the most valuable in Mr. Morrison's book, and compels attention to a branch of the subject which has not yet obtained adequate consideration. Since, in a land like ours, of unbounded energy and numberless outlets, capital never lies long or absolutely idle, whatever increases the annual savings

of the nation increases the fund by which labour is employed and remunerated, and consequently the amount received by every individual labourer; and it admits of indisputable proof that the existing relation between labour and capital, if not the precise distribution of created wealth actually existing, has a greater tendency to increase these annual savings than any other arrangement which could be devised or conceived—human nature and English nature remaining what they are; and that all the various schemes propounded by the working classes and their friends for bettering their condition would tend to diminish these annual savings, and consequently to reduce the remuneration of labour by lessening the fund available for its employment.

The net annual addition to the capital of the community by savings out of income is estimated by the best authorities at not less than 50,000,000*l.*,—an enormous sum, which goes to augment the earnings of working men as an aggregate class, which would greatly augment their individual earnings were their numbers not permitted to increase so rapidly, and which does actually augment these earnings in no inconsiderable degree. Now by whom is this saving effected? out of the incomes of what class? Clearly out of the incomes of the middle class — the industrious tradesman, the enterprising merchant, the manufacturing capitalist—the great employers of labour, in short, against whom especially the clamour and envy of the operative are directed. The upper classes, the nobles, the landed gentry, we know are rarely economisers or accumulators; their system, as a rule, is to spend their whole income; few among them leave their families richer than they found them — many poorer; often their land passes by sale into the hands of thriving individuals of the middle class. The labouring class, those who work for wages, are, with honourable exceptions, by no means given to saving — that is, to accumulation. They subscribe indeed largely to friendly societies, sick clubs, and the like; but these subscriptions are only meritorious insurances against a rainy day, a provision against slack work, a mode of equalising the earnings of a life. It is rare indeed for workmen to leave property behind them; it is considered enough if they support their families decently while they live, without providing for them after death. As a rule, they, like their superiors at the other extremity of the social scale, spend their entire income within the year. The Savings' Banks offer no contradiction to this statement; for in the first place, the increase of deposits does not exceed a million a year, and in the second place not above half this sum belongs to individuals properly describable as be-

longing to the working classes. That these classes do not save, and would not save were a different division of profits between them and their employers greatly to increase their earnings, is painfully obvious from many facts most ably brought to bear by Mr. Morrison in his fourth chapter. Periods of prosperity, of brisk trade, general employment, and high wages, are invariably marked by a signal increase in the consumption of imported and exciseable articles — an increase which takes place almost wholly among the labouring poor. This feature of good times is so constant and certain that it is counted upon by the Chancellor of the Exchequer with at least as much confidence as the proceeds of the income-tax; and it is one which never deceives him. The two years ending with the summer of 1853, were marked by unexampled earnings on the part of the operative classes — work was never so universal or so well paid; and accordingly we do not find that the accumulated property of those classes has increased, but we do find that the consumption of bread, beer, spirits, tobacco, tea, coffee, and sugar, has been beyond all precedent. Again, wages were so high that colliers found they could earn as much in four days' as formerly in six; the result was, not that they laid by two days' earnings, but that they took two days' holiday; and the supply of coal accordingly fell off, though the demand for it increased.

'The very limited possession of reserved funds among the manufacturing operatives, which the recent strikes have brought to light, are unfavourable to the idea that the habit of saving has been carried to any great extent. The chance of success of these strikes depended upon the ability of the operatives to maintain themselves without wages for a considerable time. If they possessed this power, the injury to their employers from a prolonged inaction would probably compel them for a time to compliance with the demands of the men, whatever might be the ultimate effect on the condition of the latter, and on the prosperity of the trade, of such an interference with the natural laws by which wages are regulated. But the operatives appear to have been dependent from the first weeks of the strike upon subscriptions for their support from the operatives of their own and other trades.

'Another indication that the practice of saving is carried to a very limited extent among the working classes, may be found in the fact, that the plan of co-operative associations for carrying on manufactures and trades, in which the working men may be their own masters and retain for themselves all the profits of business, has not been resorted to on a great scale. There may be great reason for doubting whether the operatives would benefit themselves by thus dispensing with the capitalist-employer — whether his profit is more than an equivalent for the immunity from risk of loss and the use of his commercial skill, which they obtain from their connection

with him. But it is certain that very great numbers of the working classes, especially those who join in strikes and sympathise with declamations against the employers, do not feel any doubt upon the subject. Independently of the expectation of increased income, the substitution of the democratic for the autocratic principle of management, the idea of being entirely their own masters, must be very attractive to them. The principle of co-operation has now been recommended and practised in particular cases for so long a time, that the leaders of this portion of the working classes, and all the active-minded individuals among them, must be familiar with the principle and its application. Yet, although there are many co-operative establishments in this country, they have not multiplied to an extent corresponding in any degree to the attractiveness of the principle to men who suppose that the employer retains for himself an exorbitant share in the proceeds of their labour. The explanation must be, that the practice of saving is not sufficiently common among them to furnish the funds required even for a first trial of co-operation.' (P. 42.)

Another confirmation of the same fact—the preponderance among the working classes of the disposition to spend over the disposition to accumulate—is to be found in the vast annual consumption by those classes of needless and noxious luxuries. It was shown by the late G. R. Porter, of the Board of Trade (a most competent authority), that the amount they spend in spirits, malt liquors, and tobacco, is upwards of 50,000,000*l.* a year. *That is to say, they waste annually as large a sum as their employers annually save.*

'Facts like these' (as Mr. Morrison well observes) 'do not merely prove that, in the case of a large proportion of the working classes of Great Britain, a reduction for their benefit of the present rates of profit of their employers would be the diversion of funds from a class who save a very considerable portion of them to men who would not save at all. They also show that the increase of the income of the working men would be, as regarded a very large number of them, a positive evil, unless preceded by improvement in their tastes and habits; for when the disposition to spend all that can be spared from a man's earnings in drink exists, the larger the surplus available for this object, the greater will be the mischief. This is no argument against the desire that working men should *be put in a position to increase their incomes* to the utmost possible extent, provided the increase among them of habits of self-restraint, industry, and mental cultivation, is an essential part of the process by which this result is to be produced. But it tends to show that the indiscriminate augmentation of their incomes, *brought about by any process of abstraction from the profits of their employers*, and not by their own improved self-management, would be far from an unmixed good, even in its direct and immediate effects.'

Fifty millions a year saved out of their earnings by indus-

trious capitalists to increase the fund for the employment of labour; and fifty millions a year spent out of their earnings by the working classes in smoking and drinking! These are two related facts which merit a few moments' pause to consider their significance and bearing. If the operatives saved like their employers, the annual addition to the fund out of which labour is remunerated would be at once doubled: if the employers spent like their operatives, there would be no addition to that fund at all. This *rapprochement* should flash upon the working class, as with a blaze of sunlight, both the reason why the position of their masters seems so much more luxurious and enviable than their own, and the mode by which they may obtain that amendment of their condition for which they speculate and scheme and sacrifice so much. Their employers grow rich while they keep poor, live plentifully while they live scantily, float easily through the hard times which press so heavily on them, not because the share of profit enjoyed by the former is unreasonably great, or indeed at all larger than their own, but because a portion of it is saved instead of all of it being spent—because the former lay by for future use what the latter spend in present gratification. If any operative doubt this explanation, let him remember that all capital is only accumulated profit—*saved earnings*, that is—either by the actual possessor or his predecessors; that many capitalist-employers were in the present or the last generation frugal and hoarding workmen, and that he might himself become a capitalist if he would. Let him consider what would be the position of his master in bad times or during strikes, if he, like his workmen, had always spent his entire income; and what would be his own position in such conjunctures, if he, like his employer, had always on an average laid by one-third of his earnings. The comfort, the independence, the success, the victory of the two parties would, it is evident, be in that case reversed. The operative might soon become a capitalist if he would emulate the economy of his master; the capitalist would soon be reduced to the condition of an operative, if he were to imitate the spendthrift habits of his men. Is it not then obvious enough that any artificial interference with the present division of profits, whether by the regulation of authority, or the dictation of trades' unions and strikes, which should shake the accumulating spirit of the manufacturer by menacing the amount or security of its reward, or should give a larger portion of those profits to him who would spend it instead of saving it, would ultimately be—the question of justice or injustice, possibility or impossibility apart—a positive loss of

wages to the working class, by trenching on the fund out of which those wages must be paid?

The various schemes current among the working classes for augmenting their receipts out of the fund for the employment of labour without either increasing that fund or reducing the number of claimants upon it, may all be ranged under two heads:—regulation of wages by some external authority or means other than the simple operation of bargain;—and co-operative associations whereby workmen combine and monopolise in their own hands the profits both of capital and labour. The notion of regulating wages by Act of Parliament, once a favourite one, is now abandoned even by the most ignorant of the operatives, and may be considered as put out of Court. The plan of regulating wages and settling disputes respecting them by a council of 'Prud'hommes' or Arbitrators still lingers, but almost exclusively among theorists who look at facts from their closet, and can scarcely be seriously entertained by any one who has given a few moments' consideration to the details of such a plan when brought into actual operation. Mr. Morrison states the project very clearly, and disposes of it very ably; and a few words on the subject, condensed from his ninth chapter, will not here be out of place.

Such a scheme for regulating the division of profits between the operative and the capitalist, demands as its pre-requisite two things — neither easily discovered — a competent regulating authority, and an intelligible and admitted regulating principle. If the arbitrating authority, in order to secure impartiality, were composed of individuals wholly unconnected with the locality and unacquainted with the parties, their ignorance and incapacity would probably be as great as their impartiality, and neither side would feel confidence in their decision. If on the contrary, the arbitrating council were a body composed of men and masters in given proportions, in the first place disputes would be certain to arise as to those proportions; and in the second place, supposing these harmoniously settled, we should only have given another form to that direct discussion of their respective interests between masters and men which is at present attended with so much difficulty.

But the difficulty of selecting the regulating authority is as nothing compared to the impossibility of discovering rules by which its decisions are to be governed. All proposals for regulation must proceed upon the recognition of the principle *either* that the market rate of wages, as fixed by the action of supply and demand, is the only true standard; *or* that there is some

'natural rate,' some fixed and fitting proportion in which profits should be divided between capital and labour, existing and discoverable; *or* that the wants of the workmen are to be the measure of his remuneration. In the *first* case, every day's experience of commercial transactions shows that the market value of anything is soon found between buyer and seller, without the intervention of arbitrators, and more truly and readily than any arbitrators could determine it. If this is not at present invariably the case with respect to wages, the chief cause is to be found not in the difficulty of applying the rule *but in the imperfect recognition of it.* The market rate of wages depends, as we have seen, on the ratio between the labour-fund and the number of claimants upon it. The subdivision of this fund among different classes of labourers depends on proportions as definite, though more complicated. These definite proportions between different quantities necessarily lead to definite numerical results. To arrive at these by calculation would indeed transcend the power of human intelligence and knowledge, and baffle the sagacity of any arbitrators. But the competition of the market, if left to itself, brings out results in accordance with them without any calculation whatever.

To the *second* case — which is that pointed to in the phrases, 'a fair day's wages for a fair day's work,' a 'fair and reasonable division between employers and employed,' and which assumes that there is some natural rate of wages independent of and different from the actual market rate — it is sufficient to reply that no one has ever pretended to point out what that 'natural rate' is, nor by what calculation it can be discovered, nor on what principle it is to be sought. In truth, every thoughtful man sees at once that no such rate does or can exist.

The *third* principle of division — that wages ought to be regulated by men's wants — is seriously held by communists alone. Indeed, the mere statement of the formula is its own sufficient condemnation. Men's wants are not a fixed quantity, but vary indefinitely and incessantly according to the habits, means, and disposition of individuals, and the example of those around them. The wants of a cultivated labourer are greater than those of a more uncivilised, though possibly more productive one. The wants of a married labourer are greater than those of the single man. Is he, therefore, to have higher wages? But this is the very obsolete monstrosity of the old poor law administration. Again, when the condition of a class is improving, their wants are constantly on the increase. If they have any aspirations after improvement the only real measure of their wants in their own minds is the condition of the class im-

mediately above them. As soon as this is attained their standard is again raised a step higher. This indefinite elevation of man's standard of requirements is in truth the origin of human progress. The day on which his wants should become a fixed and measurable quantity the advance and the life of the world would be at an end.

'There is, indeed, one standard of man's wants which admits of being ascertained with some approach to accuracy. This is that minimum rate of income which will furnish him with the absolute necessaries of life, *i. e.* with the cheapest and scantiest supply of food, clothing, and shelter, on which he can sustain life and health. But as all schemes for regulating wages in the interest of the working man are intended to give him much more than this minimum, it can obviously be of no use in furnishing a foundation for them.' (P. 94.)

There is yet another objection, one at once of principle and detail, which is fatal to the application of any scheme for the artificial regulation of wages to manufacturing industry, and, indeed, to industry of nearly all kinds. If the wages were weekly wages, the regulation would inevitably confound the skilful and the clumsy, the indolent and the laborious, in one common scale of remuneration,—which would be to commit an injustice, a folly, and a mischief. If, on the contrary, the wages were assigned, as they now commonly are, according to the quality and amount of work done; what authority, not alike omniscient and omnipotent, could determine the several rates of payment to be adopted in factories where the machinery was of different degrees of age and excellence, where the raw material was of different qualities and facilities of manipulation, where circumstances were variously favourable or the reverse. What power of wisdom could decide what 'price per piece' should be paid to the weaver according to the speed of the loom, according to the superiority of its construction, according as the warp was strong or brittle, very strong or very brittle, moderately strong or moderately brittle, well-dressed or ill-dressed, well *beamed* or full of cross threads, according as the weft was soft or hard, weak or tenacious, well or ill-*copped*. All these matters are now easily settled between individual masters and individual men; it would be wholly impossible to arrange them justly and satisfactorily, or, indeed, to arrange them at all, by the intervention of the wisest Parliament or the most honest Wittenagemot that ever sat.

Intelligent operatives know all this as well as we do, and far better than their theorising patrons; and, accordingly, they have concentrated their whole strength and thought upon the third means of artificially controlling wages, viz., by combinations

and strikes, or schemes for extorting from their employers, by united action, a higher rate of wages than the latter are willing to give them (as they express themselves), than the natural interaction of supply and demand would assign them, or than the profits of trade can afford (as the masters would phrase the same idea). The mode in which trades' unions and strikes arise and operate; the irrationality of their design; the impossibility of their ultimate success; the fundamental error on which they are based; and the serious social mischiefs and perils which flow from them, are all sketched by Mr. Morrison with a masterly hand. His tenth chapter, confirmed by a series of papers published a few months ago in the 'Morning Chronicle,' and evidently by one of the initiated, should settle the public conviction on these points for even But the question has been so amply discussed in various quarters, and to state it fully and conclusively would occupy so many pages, that we can only refer our readers to the two writers just named. Two points, however, in Mr. Morrison's remarks under this head, appear to us so novel and important as imperatively to call for special notice. The first is this: that strikes and combinations, the favourite remedies of the working classes for the removal of their grievances, and the chief engines on which they rely for improving their condition, operate most forcibly and directly, by dissipating and discouraging accumulation, to prevent that augmentation of the labour fund, on the amount of which their remuneration has been shown to depend, and more especially that increase of *their* portion of it on which they must rely for becoming capitalists themselves and their own employers.

'If the working classes are to make any great advance, either in domestic comfort or in social position, one condition of this must be a great increase in the habit of saving and accumulating. But so long as combinations and strikes continue in favour with them, there will be a disposition to apply their savings, and when these are gone, their credit, to furnishing the means of a more prolonged struggle. This is fatal to the successful practice of accumulation. During the late Lancashire strike, funds have been drawn from benefit societies to assist in maintaining the contest. The evil is the greater, because, as the chance of success in these measures depends entirely on the unanimous action of the operatives, every motive of class opinion and class prescription is brought to bear for the purpose of forcing every individual into them. Hence a minority who might be anxious to use the method of saving and accumulating, rather than that of strikes, to effect a permanent improvement in their condition, are compelled to exhaust their savings in the enforced idleness of a turn-out.'

The second point is this:—The evils inherent in trades' unions and strikes are far more extensive and formidable than at first sight appears. It is in the essence of combinations among operatives, for the purpose of enforcing an advance of wages, to extend and consolidate their organisation. The workmen of one master combine against him; they soon find, however, that he obtains other hands, and that they can succeed only by securing the co-operation of their fellow-labourers in the district. That done, the master would be defeated unless he could obtain the support of the other masters; accordingly, as recently at Preston, he obtains this support, and the operatives are beaten in their turn. In order once more to become the stronger party, they must call in the aid of other districts and of other trades, which again enlarges the area of the masters' counter-combination, till it is found that ultimate success can only be achieved by an organisation which embraces and obtains contributions from the entire body of the working classes throughout the kingdom.

'Accordingly the leaders of the Lancashire strikes finally found themselves driven to the plan of a meeting of delegates from the workmen of the kingdom at large, to be held in London, to which they gave the significant name of a Labour Parliament. If this idea could be effectively realised, the whole of the working-classes of the nation would be combined under a government of their own for the express purpose of forcing the possessors of property to concede to them a larger share of the national income than they at present possess, and of imposing upon them such other regulations as might be decided by such an authority to be just and advantageous to the poor. It is easy to see the political tendency of such a scheme; how infallibly demagogues would avail themselves of the irritation in the minds of the delegates and of their constituents to divert such an assembly, from purely industrial arrangements, to the discussion of the political rights of the working classes, and how inevitably the experience of the delays, failures, and sufferings involved in the attempt to coerce the masters by the systems of strikes, would suggest the idea of political change as the means of placing a more effective instrument in the hands of the working class. . . . . It is true that no benefit could result to them from any attempts of this kind; not only because the strength and union of the upper and middle classes are in this country so great, that any movement among the masses beneath them would be crushed as soon as it became too serious for further forbearance; but because all schemes for imposing higher rates of wages than those produced by the law of supply and demand, are from the nature of the case impracticable. But much uneasiness, disturbance, and even bloodshed might occur before the conclusion of an agitation of this kind. Even without any reference to the political purposes to which such an organisation might be

perverted, its costs would be sufficiently serious if were exclusively confined to its immediate object. It would amount to the banding together of the working classes for the express purpose of coercing the classes possessed of capital. And if the latter were to combine in self-defence, the whole of these two great classes of the nation would be drawn together into two hostile camps, each bent on ruining or starving the other into submission. Such a state of things would be opposed to all the conditions on which the good working of any social system depends. There is, indeed, no probability of the efforts of the leaders of trades unions being adequate to producing any results of this magnitude at present. But the mere fact that measures directly leading to it have been suggested by them, is sufficient to show the real nature and ultimate tendency of the system of strikes and combinations.' (P. 104.)

After showing, in the clearest manner, that all plans for regulating wages by external authority, or enhancing them by external pressure, or making them depend upon anything except the skill, concentration, energy, and actual *bonâ fide* value of the service rendered, must ultimately tend to *reduce* the remuneration of labour, to lower wages instead of raising them, inasmuch as the obvious operation of all such attempts must be to relax the springs of industry and invention, and weaken the motives to strenuous and unremitting exertion, and therefore to diminish the productiveness of labour, and the accumulated surplus constituting the fund out of which labour must be paid;—and that any interference on the part either of Government or popular organisations, with that security of capital, that confidence in the undisturbed freedom of its operation and the undisturbed enjoyment of its earnings, which is essential to commercial or industrial enterprise, would emperil the extension of manufactures in this country, and thereby menace not only the prospects of the operatives for the improvement of their condition, but even the continuance of such well-being as they at present enjoy;—and further, that any such increase of the cost of production as may well arise from machinery being thrown idle by frequent strikes, or from forcing wages up beyond their market price, might easily, in the present close competition between England and other countries, turn the scale against us, and be fatal to our manufacturing supremacy, and consequently to our manufacturing extension;—Mr. Morrison proceeds to discuss the probable benefits which the operatives would derive from those schemes of co-operation by which they hope either to share the profits of their masters by adopting the plan of fluctuating instead of fixed wages, or to engross them altogether by becoming themselves capitalists and their own employers. We have already explained this subject so fully in

this Journal on three previous occasions*, that we need not enter upon it again. Mr. Morrison agrees in, and confirms, all the conclusions at which we had arrived; viz. that though these schemes, in their improved form, contain nothing at variance with the sound principles of political economy, the *pecuniary* benefits which they will secure to the operatives will be found to have been vastly over-estimated, if not to be altogether *nil;* that as soon as repeated failures, on which much capital will be wasted, shall have taught the people the right way of managing them, — as soon, that is, as they shall have agreed to work them under the direction of one competent and skilful person carefully selected and *adequately paid*, and have set aside a proper sum for the interest of money and the replacement of old or worn machinery, — they will discover that the residue accruing to themselves, (*i. e.* their weekly advances in lieu of wages, *plus* their share of the annual profits, and *minus* their share of the annual losses,) does not exceed, and probably falls short of, the regular earnings they received, while working for a master whose profits they used to deem so excessive; while in point of convenience, regularity, and safety, the old arrangement was incomparably preferable. On the other hand, the social and moral advantages of an extensive trial of the co-operative system would probably be as great as the economic advantages would certainly be small. It would diminish and discourage strikes; it would disabuse the operatives of their erroneous notions as to the disproportionate profits of their masters; it would teach them a truth which they will never believe till they have worked it out for themselves, — 'the usefulness of 'rich capitalists to poor working men;' it would cultivate among them habits of saving, of calculation, and of self-restraint, and prepare them for the innoxious possession, and the righteous and serviceable use, of that increased political and social power which sooner or later must be theirs. Every legal facility should, therefore, be afforded to the working classes to try co-operative schemes; for their success or their failure would alike be favourable to the cultivation of popular wisdom, and the spread of social harmony.

All these schemes, however, for securing to the working man higher wages, *i. e.* a larger share in the profits of production than he now enjoys, are neither more nor less than contrivances for effecting that artificially which it is in his power to effect naturally — for making others do that which can be best done

* See vol. lxxxix. p. 402.; vol. xciii. p. 1.; vol. xcv. p. 405.

by himself, and by him alone — for securing his aim at the expense, and by the sacrifice of others, instead of by his own exertions and self-denials. They are stratagems for *taking* what he ought to *earn*. He, and not his employer, is responsible for low wages; he, and he alone, can increase those wages; his employer cannot; or at least can only do so in an inappreciable degree. Mr. Morrison shows, by a careful estimate, that if the whole employing class were to confer *half* their actual expenditure on the labouring poor in the form of increased wages, this enormous and impossible sacrifice would only raise these about one shilling a week. In the workman's hands lies the control of the three great elements which decide the amount of his remuneration, — the surplus or accumulated fund by which labour is employed and paid; the productiveness of industry by which that surplus is augmented; and the number of labourers among whom that fund has to be divided. He may save, so as to add to the available capital of the community; he may work intelligently and diligently, so as to increase the effectiveness of his industry; and he may abstain from adding to the number of claimants, and so augment the share of each. His future is in his own power; for by these means, and by these only, can it be determined.

'If all that political economy could do for the working classes (says Mr. Morrison) were to demonstrate the impossibility of elevating their condition by attacks upon the property or interference with the free action of other classes, such a negative result, though very necessary to be established, could not be a satisfactory resting-place to the mind.'

But happily it does much more than this; it points out to him how he may attain all his righteous and rational desires; it displays them to him all within his reach; it indicates the solution of the great social problem. It proves to him with irresistible clearness, that all he needs in order to become as prosperous and comfortable in his sphere as the employers and merchants whom he assails and envies are in theirs, is that he should imitate their prudence, their abstinence, their sense, their habit of always living within their income, their customary postponement of marriage till marriage becomes safe and wise. It says to him: — 'Wouldst thou be as these are — *live* as they.'

A few obvious considerations will show that this position is strictly true, and not one iota overstated. In the *first* place, if the 50,000,000*l.*, now annually expended by the operative classes in drink and tobacco, were — we do not say saved, but —

spent in adding to the comforts of their home, in procuring for their children a good education, in getting their wives and sisters instructed in domestic economy and enabling them to stay at home to practise it, in obtaining for themselves an hour or two of daily leisure for recreation or for books, — what a vast, immediate, and blessed metamorphosis would come over nearly every humble household — a change amounting in itself to a complete social revolution. No one can deny this: no one conversant with facts will doubt it for a moment. In the *second* place, suppose that only half this sum were saved — accumulated for future use — as it is notorious that it easily and advantageously might be (not by any sacrifice of comfort, but by simple abstinence from impairing their health and lowering their character by intemperance), the hoarded capital of the working classes would in ten years amount to 250,000,000*l.*, even allowing them to spend every year the interest of their previous savings. '*Now a capital of this amount would be sufficient to effect the universal substitution of co-operative associations of working men for the existing system of employers and employed, to make the working population their own masters and managers, and thus to set at rest all questions about the rights of labour and capital for ever.*' Whether this would be the wisest mode of applying their capital is another question: it is enough to show how entirely their own objects are within their own power, if they will only take the right way to reach them. *Lastly*, consider what would be the effect (combined with, or independent of such an augmentation of the labour-fund as we have just supposed and shown to be feasible) of such a reduction of numbers as would result from the establishment among the poor of the same views with regard to marriage as prevail among the easy and the rich. If every workman did what every tradesman, merchant, gentleman, and younger branch of the aristocracy does now — postpone marriage till he has saved enough for the wedding outlay, and till he sees a clear prospect of being able to support a family according to his own standard of decency and comfort, — in a single generation the operative classes would be able to command the very highest rate of remuneration which the productiveness of industry could afford them. They would have the control of the labour market, and nobody could gainsay them. Whereas at present it is notorious that the poorest and least provident are always the first to marry, and the quickest to multiply; that the agricultural peasant marries earlier than the artisan*, the artisan than the tradesman, the tradesman than

* See the Eighth Annual Report of the Registrar General — from

the noble or gentleman. The self-denial involved in the voluntary postponement of marriage is no doubt great; *but it is the price which nature has fixed for the object desired;* it is the condition of the blessing; it is the price which every other class has to pay — the condition which every other class has to fulfil: and why should the workman only be exempted from the common lot — be exonerated from the exercise of those virtues which are imperative upon all other ranks? Nay, in his case the self-restraint *now* needed is less than in the case of his superiors, for emigration has opened a new resource which removes nearly all the hardship of the demanded effort. If, when he has laid by a sum sufficient for his wedding outfit, he sees no prospect of being able to maintain a family at home, the same sum will carry him to the new world, where industry and prudence will always secure him a sustenance and a future. Therefore we are amply warranted in saying that the working classes of this country — the operative portion of them at least — have their fate in their own hands; they command their own condition; they make their own bed; and all their complaints and demands when rigidly analysed resolve themselves into a claim *to have their object given them instead of paying for it,* — to obtain it in defiance of the rights of others, and in spite of economic laws, which are the laws of nature.

In truth, there never was a time so favourable, in all its conditions, for turning over a new leaf in the annals of an old community. All the material difficulties in the way of inaugurating a happier order of things are removed, or in the course of being so; only mental and moral obstacles remain. The combined effects of the Irish famine, extensive emigration, and free trade, have solved the problem which a few years ago seemed insoluble — if only we will accept the solution. The labour-market is no longer over-crowded. The supply no longer exceeds the demand. In every branch of industry, from agriculture to domestic service, the consequences have been felt. The average wages of every sort of labour have risen. The average price of every article of consumption has fallen. The cost of living is no longer high. The means of obtaining a livelihood are no longer difficult. Masters and employers no longer dictate terms; they are often compelled to accept them. In place of a regular influx of labourers from Ireland to flood our western counties, and reduce both the remuneration of

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which we gather that in the manufacturing districts about 10 per cent. of persons married are under twenty-one years of age, and in the agricultural about 14 per cent.

labour and the standard of comforts and of character, there is the reverse operation of an actual efflux — though as yet a tentative and scanty one—towards the sister country. In place of an inadequate demand for manufacturing productions, and an inadequate supply of the foreign articles of food they purchase, we have seen our exports double in fifteen years, and the daily consumption of our working classes increase beyond all precedent or parallel. Every one now may have ample employment, ample wages, ample food. Emigration, stimulated partly by the fearful visitation of 1846 and 1847, partly by the timely discovery of Australian gold, has done and is doing wonders. It has done for the working classes what they had not resolution to do for themselves — reduced their numbers below the demand for them. It has given them the future command of the labour market, if only they will abstain from too rapidly filling up the hiatus it has made. We cannot yet estimate the full effect produced upon the numerical strength of our population by this unexampled exodus, partly because we have no register of births and deaths for Scotland and Ireland, and partly because it is too early to discover its operation on the relative fertility of marriages in this country; but we know that the effect must be greater than mere returns of emigrants can show, because these consist mainly of young married or marriageable people, on whom we depend for the increase of our population. Probably we are within the mark when we assume that the numbers in the whole kingdom are rather on the decline than otherwise.* The work-

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* We may assume that the excess of births over deaths in Scotland is about in the same ratio as in England. In Ireland, allowing for greater mortality, and for the fact of the enormous emigration, consisting chiefly of the young married or marriageable, we believe there to be no excess at all. On this assumption, the increase of the population, by natural means, in the ten years ending 1852, will have been 2,123,016, and its decrease by emigration 2,132,686, leaving a balance of diminution of 9,670. In the last four years, however (1849—1852), the account would stand thus:

| | |
|---|---|
| Emigration - - | 1,285,077 |
| Natural increase - - | 931,777 |
| Actual diminution - | 353,300 |

Even in England and Wales, where the emigration has been so much less than in Ireland, the average fecundity of marriage has fallen off.

Thus, from 1841—1844, the ratio of births to marriages was - - - - 4·22 to one.

| | | |
|---|---|---|
| From 1845—1848 - - - - | 3·94 | — |
| 1849—1852 - - - - | 3·975 | — |
| 1853. - - - - | 7·33 | — |

ing classes have now, therefore, before them such an opportunity as is seldom afforded twice in the lifetime of a nation; the labour fund has been enormously augmented; the claimants on that fund have been enormously reduced: to neither result have the operatives contributed much either by their frugality, prudence, or self-restraint; but the effect is produced notwithstanding, and stands there ready for them to take advantage of if they are wise enough. Will they do so? So far, it must be avowed, appearances are not promising. We know simply that wages and consumption have greatly increased; that savings have been foolishly wasted, and productive powers been suffered to lie idle; that extra prosperity has led rather to extra indulgence than to extra economy; and that marriages in the last six years have increased 17 per cent., and births nearly 16 per cent.

The chapter in which Mr. Morrison developes his view of the ideal condition of the working class, and shows how completely that ideal lies within the reach of possible realisation, is very interesting, to some extent new, and in our opinion quite sound. Casting aside, as childish and exploded, all communistic dreams of the reorganisation of society and the redistribution of its wealth; proving that the condition of men working 'on their 'own account,' whether as peasant proprietors or as manufacturing producers, is by no means the happiest conceivable; he expounds in a few clear paragraphs how independence, property, comfort, leisure, and mental cultivation are within the reach of all who will take the due means for their attainment. If the ruling and guiding classes do their part (which we believe most of them sincerely desire to do) in bestowing on the poor a really serviceable education, which shall include not merely the rudiments of book learning, and instruction in the moral law and its religious sanctions, but an acquaintance with the laws whether economical or physiological, which govern their material well-being; and in removing all artificial restriction upon the most productive employment of their industry, and the most profitable investment of their earnings, — the working classes may do the rest themselves. By saving those surplus earnings which they now waste in drink, they will not only become capitalists themselves, but will add to that fund which is ever accumulating for the utilisation and remuneration of labour. By postponing marriage and multiplication (or carrying it on out of the country) they will reduce the numbers among whom this labour-fund has to be divided, so as to secure a larger amount as the individual share of each. By the two operations combined they will raise the rate of wages to its maximum and reduce the rate of interest and profit to its minimum. Their position would

thus become not only better positively, but better in proportion to that of the employing classes; and the social inequalities so much complained of would be diminished by a double operation. At the same time, improved habits and improved education would elevate their condition and increase their comforts in another way: it would enable them to lay out their earnings to greater advantage — to make them go further. At present, as is well known, the retail profit paid to dealers by the poor far exceeds that paid by the middle classes, because they buy less at a time, and buy from small shopkeepers whose *per-centage* of profit is often enormous to repay them, both for a scanty business and risky customers. Mr. Morrison estimates that by carrying skill and management in this point to its maximum, nearly one-fifth of the working man's income might be saved. These advantages gained, the operatives have their choice whether to employ them in adding to their accumulations, in augmenting their enjoyments, or in reducing the duration and intensity of their labour — whether to employ them in the purchase of wealth, of luxury, or of leisure. In any case they have attained their end; and if, as might be hoped, they made the wiser and nobler choice, and selected the latter blessing, they might surmount the only remaining barrier, the only *essential* difference, between themselves and those above them in the social scale — viz. superiority of education and refinement. There is nothing in bodily labour, when moderate in hours and in severity, incompatible either with polished manners or with intellectual culture; while to health and happiness it is unquestionably favourable; — and when once working men are possessed of ample earnings, hoarded capital, mental cultivation and refined behaviour, they will be the equals of their employers in social as in political position, and will have nothing further to envy or to desire.

These glorious visions, this bright ideal, it lies with them, and them alone, to realise, by abjuring all misleading paths and steadily treading in the right one. One only condition of success can they with a shadow of plausibility deem a hard one—habitual restraint on marriage and multiplication. The following considerations, however, should suffice to remove their impression of its severity, and to make it seem just and easy, if not absolutely welcome. It is the condition to which their superiors are subjected, and by virtue of which they have attained and preserve their superiority. It may be greatly mitigated by the cultivation of that frugality, moderation in desire, and skill in making small means go far, which even now enables some persons to marry prudently upon 100*l.* a-year, while to others marriage on

three times that income would be a questionable step. And it may be evaded almost or altogether by removing to those thirsty countries where children are a blessing and a wealth in place of being an anxiety and a burden. And as soon as the annual emigration has reached a certain limit, all restrictions upon the marriage of those who remain may be safely withdrawn or greatly relaxed. As to what may occur when the demand of America and of our colonies for labourers is satiated, and they become as full as we are, and can no longer drain off our annual increase, we need not trouble ourselves to inquire. That day is far distant; and when it shall arrive it will probably bring with it the counterbalancing salvation of that secondary law of population — as yet barely recognised and scantily operative — in virtue of which fecundity diminishes as comfort, luxury, abundant nourishment, and plethoric health increase.

The possibility of solving the political problem connected with the working classes depends on the satisfactory solution of the social one. The latter successfully disposed of, the management of the former ceases to be difficult or formidable. Still it is of the utmost importance to face it, to understand it, and to prepare for it in time. Its conditions here are materially different from those which obtain both on the Continent and in the New World; from those which have obtained in any other period of the world's history. In most if not in all European states, constitutional government — the supremacy of the easy and aristocratic classes — seems to be declining or extinct. Those nations lie between two antagonistic dangers, unlimited despotism and unlimited democracy; sometimes they are menaced with a greater peril than either, viz., the union of the two. Their danger, too, is imminent and immediate; ours, as yet, is only distant and contingent. Still it is obvious that our tendency is towards a larger and larger infusion of the democratic element into our constitution, towards an extension of the political power of the masses, towards a diminished and perpetually diminishing preponderance of the influence of the middle and upper ranks of the community. It is a mere question of time. It may be years, it may be generations, it may be, perhaps, centuries before the working classes of the nation have attained to equal political privileges, and, therefore, to a numerical majority of votes, and, therefore, to political supremacy; but every movement is in this direction, and every step brings us nearer to the goal. If it should be reached soon, or before vast social changes have taken place, this country will present a spectacle of which, hitherto, the world has seen no

example; of a nation whose government is in the hands or under the control of the receivers of weekly wages; of a nation surpassing all others in the number and wealth of its capitalists, yet, in which those capitalists are in a position of political subjection and virtual disfranchisement. In the democracies of antiquity the working men were slaves and had no participation in the rights of citizenship. The republics of the Middle Ages were republics of nobles, merchants, and burghers only. The continental republics now are republics of peasant proprietors. The great American democracy, to say nothing of its slaves, is a republic of capitalists, or of operatives who are easily able to become so, and are verging towards that consummation. In all these States universal suffrage, or that which is called such, may be practicable and safe. Universal suffrage in England would the supremacy of day-labourers. On the peril of such a position, it is superfluous to enlarge; of the use that working men would make of their supremacy, if it found them in their present state of feeling and enlightenment, we have had many indications:—the solution of the problem lies obviously in the combination of two endeavours—we must alter that state as soon and as completely as we can, and we must postpone their political supremacy till such alteration is effected.

The means by which this double purpose is to be achieved are neither difficult nor recondite. We must disseminate among them, by every contrivance in our power, those sound views on the relation between capital and labour, which it is the object of Mr. Morrison's 'Essay' to inculcate. Let the simple principles of political economy be an indispensable portion of that popular education which is every day extending and improving. 'Instil into them a knowledge of the real laws on which their 'condition depends. Let them clearly apprehend that the in-'crease of capital is necessarily the increase of the fund to be 'distributed as wages, and that its decay is necessarily the dimi-'nution of that fund. Let them understand that capitalists can-'not, if they would, depress the aggregate remuneration of 'labour below the amount of the capital available for that pur-'pose; that the working classes cannot, if all the powers of 'Government were at their disposal, permanently elevate that 'remuneration above the same limit.' Such instruction is not only not unsuitable for them; it is of all kinds the most suitable and the most necessary. Considering their present temper and the prospect of their future power, it is far more important, both for their own happiness and the well-being and peace of the community, that the rising generation should be made to understand 'what gives them high wages, what would make

'their wages low, and what would prevent them from getting 'any wages at all, than that they should be able to pass the 'most satisfactory examination in geography or astronomy.' Science is to them of far more consequence than literature, and no science is so essential as that which bears upon their home interests and their daily life.

We must next do all that exhortation, encouragement, and legislative facilities can do to promote among them those habits of accumulation which will end in their becoming capitalists themselves, and thus attaining to sympathy of interests and community of views with those that are. The man who has 100*l.* laid by has far more unison of feeling in political and social matters with the possessor of thousands than with the possessor of nothing; he has more in common with the millionaire than with the pauper. And, as we showed a few pages back, with sound views, with established temperance, with habits of prudence and economy, with the accumulation of small capitals, will come leisure; with leisure will come higher aspirations and better tastes, and the means of satisfying both; and intellectual cultivation and social refinement will follow in their train. When this happy consummation is reached, no danger need to be apprehended from the extension of political power to such men as the working classes will then consist of, even though they still remain, for the most part, labourers for hire.

To grant political power only to such among them as have attained this fit condition — to extend it gradually, and only as this condition is approached, to withhold it from the great mass till this condition has become general or universal, — two postulates alone are needed. *First*, That no party in the State shall be so shortsighted, factious, and immoral as to make political capital out of popular discontent, or to propose a large extension of the electoral suffrage to the masses in order to defeat or supplant their rivals; and *secondly*, that every party in its turn of power, and all parties combined, shall conscientiously and diligently use that legislative supremacy which the Constitution gives them, for the purpose of conferring on the people every benefit, and removing from them every grievance, which wisdom and justice can suggest, and which parliamentary omnipotence can reach. By such courses steadily pursued — by educating the working classes sedulously and governing them righteously — we shall disarm those dangers which now look so formidable in the distance; because when the day of their complete political emancipation, and their consequent political supremacy, shall have arrived, they will have learned to desire nothing that Parliament ought not to grant, and Parliament will already have granted all

they ought to desire. They will have attained political power only to discover that it can bestow upon them no blessing which they do not already possess, or cannot already command.

But, if we neglect the warnings of the past, and make no provision for an inevitable and an obvious future; if we continue to allow religious dissensions and religious prejudices to impede and cripple the education of the strengthening and multiplying masses; if, either from bigotry or fear, or a cowardly truckling to either, we exclude from that education its most practical and imperative elements; if our statesmen do not honourably use their exclusive power for the benefit of the excluded millions, and as honourably abstain from calling in the passions and hopes of those millions to further their own miserable aims, or to secure their own transient victories; then assuredly our sin will be as great, and our punishment as certain, as will be those of the labouring class themselves, if they in their turn do not abstain from seeking unrighteous objects by unsuitable and suicidal means; if they do not learn that in temperance, in economy, in docility, in self-restraint, and not in combinations, strikes, communism, or the charter, they must seek their elevation and their welfare — their true dignity and their real mission.

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ART. VI.—1. *Her Majesty's Declarations, Proclamations and Orders in Council with reference to the Commencement of Hostilities against the Emperor of all the Russias.* April, 1854.

2. *A Practical Legal Guide for Sailors and Merchants during War.* By WILLIAM ADAM LOCH, of the Hon. Society of Lincoln's Inn. 1854.

3. *A Manual of the Law of Maritime Warfare.* By WILLIAM HAZLITT and HENRY PHILIP ROCHE, Esqrs., Barristers-at-Law. 1854.

4. *Story on the Law of Prize and Prize Courts.* By FREDERICK PRATT, LL.D. London: 1854.

5. *Commentaries on International Law.* By ROBERT PHILLIMORE, Esq., M.P., LL.D. Vol. I. London: 1854.

6. *Des Droits et des Devoirs des Nations Neutres en Temps de Guerre Maritime.* Par L. P. HAUTEFEUILLE, Avocat, &c. Paris: 1849. 4 vols.

7. *Régles Internationales et diplomatiques de la Mer.* Par M. T. ORTOLAN, Lieutenant de Vaisseau. 2 tomes. Paris: 1845.

UPON the near approach of a declaration of war against one of the greatest of the European Powers, after an interval of

almost forty years, a variety of questions, both of policy and of law, pressed upon the consideration of the Government, in relation to subjects which our statesmen and our jurists had allowed to slumber since the conclusion of the Treaty of Paris and the Treaty of Ghent. Whoever will consider the manifold effects of a state of war upon the social relations of mankind and the commercial intercourse of nations, especially as those effects have been determined by the legal construction of belligerent rights in former contests, will perceive that the shock of armies and the conduct of a campaign are not the only, or perhaps the most important, consequences of a rupture between civilised nations. Whilst our fleets are equipped for foreign seas, and our troops sent forth for foreign service, with that energy which the active operations of war demand, a change of almost equal magnitude takes place in many of the internal duties of the State and of the community. The national finances are no longer regulated with strict economy, but a lavish though inevitable expenditure dissipates in a few months the savings of former years, and the hope of further reductions in taxation. The laws of trade are to a certain extent suspended, and every national interest becomes subordinate to the one paramount object of distressing and weakening the enemy. In the present instance, our commercial relations with the Russian Empire, which have been carried on almost uninterruptedly for three centuries, are suddenly stopped. The advances of capital, to the amount of at least six or seven millions sterling from this country, by which the raw produce of Russia is habitually purchased and paid for, before the opening of the season for Northern navigation, were already checked last year by the menacing aspect of affairs. The prices of the staple articles of the Russia trade rose in proportion. The ships and seamen employed in the Baltic and White Sea trades, in former years, found their occupation gone. Had the laws of war been applied in all their rigour, in endeavouring to cut off the trade of the Russian Empire, we must have imposed on ourselves, our own merchants and our own revenue, privations and burdens not much inferior to those we are seeking to inflict on the enemy. But what, it may be asked, is the full rigour and extent of the laws of war, and how far are the rules established by the British Maritime Courts in the last war applicable to the present state of the world, transformed and enlightened as it is by nearly half a century of peace, prosperity, and progress? Everything else is changed. The objects of Government are become more popular. The doctrines which regulate our commercial policy are totally inverted. Mechanical ingenuity has rendered many of the restrictions and limitations of former times

physically impracticable, since railroads and electric telegraphs cannot be placed under the laws of blockade. Nation is united to nation by a thousand ties of interest and intimacy never known before: and it may be presumed that, if the sagacity of our statesmen, the discussions of Parliament and of the press, or a more enlightened sense of public interest, had been directed to the theory of our advantage in war as keenly as they have been applied to promote the progress of the nation in peace, the belligerent rights and laws of England would not have remained stationary in 1854, at the point they had reached in 1814. It has been the fate—we may venture, with reference to many of the eminent men who have shared in former times in the labours of these pages, to say that it has been the glory — of this Journal to anticipate, by force of argument, most of those political and social reforms which have reflected honour on this age, and have now long since received the sanction of Parliament, of the nation, and of mankind. Amongst the questions discussed by our founders we look back with pride to the humane and judicious policy which it was their desire to see more extensively applied in mitigation of the laws of war. One eminent and learned colleague of Jeffrey and of Macintosh still survives, whose first exploit was the revocation of the memorable Orders in Council of 1807 and 1809, which was accomplished in 1812 mainly by the eloquence and perseverance of Lord Brougham. If on the present occasion no such contest is likely to be renewed, it is because the Government has anticipated at the outset of this war, the just and irresistible demands that could be addressed to it by neutrals abroad, or by the community at home, and the Ministers of the Crown have shown an earnest and intelligent desire to adapt the exercise of our belligerent rights to the present condition of the world.

We shall endeavour to show, in explaining the course and effect of these measures of the Governments of England and France, the extent of the changes which have thus been introduced into our maritime law, and to point out the advantages which those changes are calculated to procure to British interests. But we may at once observe that, in the present conjuncture of affairs, there were other causes which powerfully contributed to urge upon the British Government the immediate settlement of these questions on the most liberal basis.

For the first time since the Crusades we found ourselves entering upon a war in close alliance with France, a State which had adopted as long ago as 1778 the principles of a liberal policy to the neutral flag; and we had the greatest possible interest in waiving all controversy on these disputed sub-

jects, not only with our allies, but with all the neutral Powers. The principles of the Armed Neutrality of the North, in defence of certain propositions of maritime independence, were precisely those which Russia herself had used on two occasions, in 1780 and 1800, to form a league of neutral States against this country. And, in the present state of the world, the effect of pledging ourselves to maintain, to their full extent, the rules formerly enforced by our cruisers and our courts of maritime jurisdiction, must have been to ally the Russian Government to several of the Maritime Powers on questions arising out of the exercise of belligerent rights, and to alienate from ourselves several of those Powers whose sympathy and co-operation is one of the chief elements in our present advantageous position.

Another reason of a local and peculiar nature furnished an additional motive to the adoption of these concessions, at least in the temporary and exceptional form in which they have been made. The sea coasts of the Russian Empire offer peculiar facilities to blockade. The ports of Russia may be easily and entirely closed against all trade whatever by the presence of an effective blockading squadron, during that part of the year when the navigation is free from ice. We know that the whole foreign trade of the empire must be carried on during war, either by land or by some of the adjacent neutral ports, and consequently that the attempt to pursue and capture the enemy's property under the neutral flag would be superfluous or abortive, since it might in every case, and with remarkable facility, be transferred to the neutral agent at an intermediate port with whose dealings the belligerents have no right to interfere. To these motives were added considerations based on the views of commercial policy now entertained in this country, all of which tend rather to the mitigation of the rights of war on the grounds both of interest and humanity, than to the assertion and exercise of a system of restriction and prohibition at once oppressive to neutrals, and inconvenient if not injurious to ourselves.

Maritime hostilities inevitably give rise to a conflict of rights and a collision of interests between two parties, both of whom are entitled in their respective positions to be protected by law. The belligerent Powers assert and exercise their undoubted right of attacking the trade of the enemy, in order to embarrass and weaken him in his internal resources, and to deprive him of the supplies he requires from foreign countries. The neutral Powers, on the contrary, continue in the possession of their right to trade with the enemy, subject only to such restrictions and limitations as may be imposed even on neutrals by

the laws of war. Of these the most obvious and uncontested are the right of blockade, the right of seizure and confiscation of contraband of war carried to the enemy's use, and the right of search to ascertain the nationality of a ship and the nature of her cargo. But to these admitted and universal practices the law of nations as enforced and established by the highest traditions of judicial authority, unless suspended by express contract, adds many other rights of a more controverted character. Thus our own and the American Courts have uniformly held that the neutral flag does not protect the property of the enemy, unless under the authority of treaties. The French Courts and edicts maintained the same doctrine down to 1778, and although they have relinquished it since the American war, they have invariably held till the present time the converse proposition that the enemy's flag will condemn even neutral goods. Again, during the last century it was a doctrine of our courts that neutral States had no right to lend the shelter of their flag in time of war to any species of trade from which they were excluded by law in the time of peace. Hence arose the celebrated 'rule of 1756,' which refused to recognise the right of neutrals to carry on during war the trade between the enemy and his colonies, that trade being forbidden to neutrals in time of peace by the close system of prohibition, which obtained at that period in the colonial trade of all the European States. For the same reason the coasting trade of the enemy, or trade *in transitu* from port to port of the enemy's country, has been denied to neutrals, because they are debarred from it in time of peace, and it was argued that if neutrals were allowed to engage in it in time of war, their ordinary rights would be extended in order to supply the necessities of the enemy.

The history of these questions which have so often aggravated the horrors of war, and extended them to nations unconnected with the origin of the quarrel, may usually be traced to the relative force and power of belligerents and neutrals — the former constantly endeavouring to exercise their rights of war in the greatest vigour, the latter to circumscribe them within the narrowest limits. In the last great war, which was one of unexampled fury and duration, the cause of neutrals utterly perished. In fact, the States which had in former times asserted the rights of neutrals with the greatest consistency, and even combined in 1780 and 1800 for their defence, such as Holland, Denmark, and Russia, had either sunk under the authority of one or other of the contending parties, or had engaged as principals in the contest. The United States alone remained positively neutral, and the hardships to which they were subjected

drove them to a rupture with this country, and even enabled them many years later to extort an indemnity of a million sterling from France. The interests of the neutral States being thus destroyed, either by the all-devouring influence of the French Empire on land, or by the rigorous application of British maritime law by sea, a system of belligerent restrictions sprang up far exceeding in severity all that the world had ever before endured. Indeed, the result, if not the fundamental principle of Napoleon's continental system, of his Berlin and Milan decrees, and of the British orders in Council, was the extinction of all neutral trade; until we were led to strain the law of nations to a paper blockade, and to enforce the arbitrary rules laid down on both sides by the confiscation of ships and cargoes being neutral property.

It would be superfluous at the present time to revert to the elaborate discussions and the passionate controversies excited by these topics during that memorable conflict, and we shall only allude to them on the present occasion to show how widely the measures taken by the British and French Governments at the commencement of the present hostilities differ from the rigorous, and we may even say unscrupulous, policy pursued by all the belligerents down to the close of the last European struggle. The great authority, the penetrating sagacity, and the inimitable style of Lord Stowell, who filled the chair of the High Court of Admiralty of England during the whole of that period, have served to vindicate the system of law which he administered, and even to palliate acts of severity which a judge of inferior reputation might have hesitated to enforce. But the jurisprudence of international courts would fail to perform its high duties in regulating upon legal principles the differences of empires, if it were not so guided and administered as to meet the wants of a progressive age, and to apply to these delicate questions the more humane and temperate maxims which have happily prevailed in every other branch of public affairs. The judicial duties of the high legal officers whose province it is to determine these questions in the maritime courts, are of a most peculiar character. They are not bound by written laws, except in as far as they must carry into effect special acts of State; but the authority they invoke rests on the best writers of a science in which much is still disputed and ill-defined. The law of nations, as administered by the Judges of Prize in any particular State, means the law of nations as interpreted by that State, in conformity with the meaning and precedents most respected by that nation: but there is no supreme authority to give uniformity to these decisions, to

settle disputed points, or to give a universal sanction to their decrees. Beyond them lies nothing but the sense of justice and the science of law prevalent among Christian nations, and their sentences can only be reversed by the public opinion of mankind and of posterity. To that opinion Lord Stowell more than once eloquently appealed, and the veneration in which his name is still held in both hemispheres, is the best proof that he administered the system of law which he found established in this country with an uprightness and a wisdom which have not been surpassed. But the jurisdiction of these Courts in legalising acts of violence, which nothing but the state of war can justify, must be limited by the political necessity of the case; for, as Count Portalis observed, in opening the *Conseil des Prises*, 'it is their province to do in peace as much good 'as they can, and in war as little harm.'

In former times commerce was regarded as a species of unilateral contract, in which all the benefit was on the side of the seller and the disadvantage on that of the purchaser, insomuch that the net profits of commercial exchange were computed upon what was termed the balance of trade. Applying the same fallacy to a state of war, the whole power of the country was exercised to prevent the enemy from selling his commodities, by pursuing and confiscating his property under every form, and even under the neutral flag. But the fact was less clearly perceived at that period than it would be now that the loss inflicted on the intercourse of the enemy with this country is commensurate to the loss accruing to the interests we might ourselves have engaged in his trade. The means of exchange were denied us, — commercial intercourse was stopped, — in striking the producers of these articles abroad, we afflicted the consumer at home, — the cost of war was enormously enhanced by the increased prices to be paid for every article of consumption which fell under these restrictions, and when these articles consisted of raw material, the want of them might paralyse the industry of the country. The first question then to be determined in dealing with this subject is, whether we do most injury to the enemy or to ourselves, and whether the advantages derived from the pressure we may put upon him are greater than the evils and inconveniences by which they are purchased. The laws of war, as applied to trade, amount to absolute and universal prohibition in all that concerns the enemy or his goods, if these laws are applied in all their rigour. All contracts with the enemy or his subjects are void; all commercial intercourse is not only suspended, but illegal; the enemy's goods may be seized and

confiscated under all circumstances and in every part of the world except on neutral territory. It has been laid down by some of our greatest lawyers that trade with the enemy is a misdemeanour; and the right of blockade excludes even neutrals from maritime commerce with the enemy's ports.

'In my opinion,' said Lord Stowell, in delivering judgment in the case of *The Hoop*, where he reviewed the authorities on this subject, 'there exists a general rule in the maritime juris-'prudence of this country, by which all trading with the public 'enemy, unless with the permission of the Sovereign, is inter-'dicted. It is not a principle peculiar to the maritime law of 'this country; it is laid down by Bynkerschoeck as an universal 'principle of law,—*Ex naturâ belli commercia inter hostes ces-'sare non est dubitandum.* Valin states it to have been the law 'of France, whether the trade was attempted to be carried on 'in national or in neutral vessels. It appears from the case of 'the *Fortuna* to have been the law of Spain; and it may, I 'think, without rashness be affirmed to have been a general 'principle of law in most of the countries of Europe.' This rule has been enforced even where strong claims, not merely of convenience, but almost of necessity, excused it on behalf of the individual; it has been enforced where cargoes have been laden before the war, but where parties have not used all possible diligence to countermand the voyage after the first notice of hostilities; and it has even been enforced not only against the subjects of the Crown, but against its allies in the war, on the ground that allies have a right to apply a rule of such strong and universal application to each other's subjects.

In the case of *Potts* v. *Bell* (8 Term Reports), the whole question was fully argued before Lord Kenyon; and it was contended by counsel, that trading through the medium of a neutral might not be illegal, inasmuch as the goods thus procured are necessary to the manufactures of the country, and supply us with the resources of war. Indeed, as it would have been legal to purchase such a commodity from a neutral Power without any consideration of the country from whence the neutral originally obtained it, it is much more advantageous to the subjects of this country to import the commodity directly in a neutral bottom from the country of its growth. But these arguments did not prevail. Sir John Nicholl (then King's Advocate) was heard on the other side, and asserted with considerable force the established doctrine of the Courts and the books, that there is no such thing as a war for arms and a peace for commerce; and that it is criminal in a subject to aid and comfort the enemy, especially by trade, which furnishes the

very sinews of war to the hostile Government. The Court concurred in this view, and it may be considered the established law of this country in its civil and maritime Courts, that all trade of a British subject with an enemy is illegal, unless protected by the express licence of the Crown.

Starting, then, from this absolute prohibition of trade with the enemy, when not authorised by a special act of the Crown, it devolves upon the constitutional advisers of the Crown to limit the application of this principle; and it is their duty strictly to confine it within such limits as appear to be necessary for the public service and conducive to the national interests, as has been done by the Order in Council of the 15th April, 1854.

We shall now proceed to follow in the official publication before us, the series of measures taken for this purpose.

The first of these documents is a Proclamation of Her Majesty, issued as early as the 18th of February, for the prohibition of the export of arms, ammunition, military and naval stores, and especially of machinery adapted to, or capable of being adapted to, the purposes of marine engines. This proclamation was put forth several weeks before the declaration of war, and it is important to bear in mind that it is a measure of purely municipal authority, under the powers given to the Crown by the Customs Consolidation Act of 1853, and is not a measure resting upon belligerent rights. This proclamation, and the orders subsequently issued by the Privy Council in relation to it, do not affect the subject of contraband of war, as defined by the law of nations, except that some of the objects specified in it are prohibited articles, both by this municipal enactment and by the general maritime law. The object of the Government in putting in force this prohibition was to check the export of warlike stores and of marine machinery, which was notoriously going on for the use of the Russian Government. Several of the large English and Scotch engineering establishments for the manufacture of these articles were known to be finishing large contracts, on which considerable payments had already been made. The Treasury took care that no unnecessary restrictions should be imposed on the foreign trade of the country in these articles, but the export to Russia was stopped, bonds were taken that the prohibited articles, when allowed to be exported at all, should be landed and entered at an innocent port of destination; and in consequence of these measures the Government was enabled, on the declaration of war, to seize several engines destined for the Russian Government. The British makers are understood to

have behaved with great openness and propriety, and their work has been completed at the expense of our own Admiralty for the use of two of Her Majesty's frigates, which are, we are told, to bear the appropriate names of the 'Cossack' and the 'Tartar.'

It was never intended, however, as has been erroneously supposed and stated by many persons, and amongst others by the authors of the 'Manual of the Law of Maritime Warfare' (p. 258.), that this prohibition should be construed into a fresh declaration of contraband of war. It rests with the courts of maritime jurisdiction to determine that question; and we presume that, as steam machinery has become an important element of navigation and maritime warfare since the last war, the parts or materials of this machinery, when transported to an enemy's port, or for the use of the enemy, will be as liable to condemnation as sail-cloth, cordage, or spars have been in former wars, when not excluded by treaty with neutrals. The most critical test of contraband of war is the destination and probable application of the article. We have treaties with Sweden, and one with Holland of a very early date, determining what is to be considered contraband under the flag of those countries. Other States may extend or restrict those articles, for there is no general or paramount law on the subject, and it has continually been made a topic of negotiation with neutrals.

The power of the Crown to declare articles to be contraband of war with reference to the defence of the country and the exigencies of the war, has been asserted by high legal authority. Lord Erskine said, in his speech on the Orders in Council (8th March, 1808), that, 'the King, having by his prerogative the 'power to promulgate who are his enemies, is bound to watch over 'the safety of the State; he may therefore make new declarations 'of contraband, when articles come into use as implements of 'war which before were innocent; this is not the exercise of 'discretion over contraband, and it is the *usus bellici*, which, 'shifting from time to time, make the law shift with them.' Steam machinery and the articles connected with it fall naturally into the new category of articles of contraband.

A question has been much discussed, whether *coals*, which are destined to play so essential a part in modern warfare, are to be held to be contraband; but it is of so much importance to our own cruisers to be able to take in coal at neutral ports, which they would not be able to do if coal was universally regarded as a prohibited article, that we should probably lose more than we can gain by contending for the prohibition. Coals, however, have been stopped on their way to an enemy's port in the Black

Sea, though it appears, from an answer given in the House of Commons by Sir James Graham, that coals will be regarded by our cruisers as one of the articles *ancipitis usus*, not necessarily contraband, but liable to detention under circumstances that warrant suspicion of their being applied to the military or naval uses of the enemy.

The original proclamation of the 18th of February contained a general prohibition of the export of the articles specified, which was, as we have observed, relaxed prior to the declaration of war by a Minute of the Lords of the Treasury. Subsequently to the 29th of March, when the Lords of the Privy Council had resumed their ancient and traditional jurisdiction over those questions which concern the defence of the country and emanate from the prerogative of the Crown, their Lordships confined the application of the Order to exports of the prohibited articles to Europe and part of Asia; and, by a further modification, bearing date the 24th of April, they reduced the prohibited articles to three classes only, viz. —

Gunpowder, saltpetre, and brimstone.
Arms and ammunition.
Marine engines and boilers, and the component parts thereof.

The export of these articles was prohibited to all parts of Europe north of Dunkirk and of the Mediterranean Sea east of Malta, without a special permit of the Privy Council; to all other places the export goes on with the sole restriction of a bond. The importance of stopping the conveyance to Russia of articles of machinery, in which that country and its navy are singularly deficient, may justify this prohibition for a time. But the facilities the Russians may have for obtaining similar articles from Belgium and the United States, if any of their ports were open, must greatly impair the effect of such a restriction; and for this, as well as for many other purposes, it is upon the vigilance and efficiency of the blockade that the Allied Powers must chiefly look for success. It should be clearly understood, that the order for the exportation of the prohibited articles to the north and east of Europe which are granted by the Privy Council are merely permits to authorise the British customs officers to allow these articles to be shipped. These orders do not operate as a licence for the transport of contraband at sea, and are unconnected with the control which may be exercised by the cruisers over vessels laden with prohibited articles. The trade in contraband of war is free to all vessels under a neutral or friendly flag as long as they are not obnoxious to

the suspicion of carrying prohibited articles to an enemy's port or indirectly to the enemy's use. But where such a suspicion exists, no vessels, whether of our own or any neutral flag, can receive protection; all are liable to be brought in, and the Court of Admiralty can alone decide on their guilt.

We now proceed to the more important documents in the official collection before us. On the 28th March, the day before the declaration of war, the Queen of Great Britain made the following declaration, which was inserted in the *Gazette* of that evening, and appeared at the same time, in the name of the Emperor of the French, in the *Moniteur*: —

'Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, having been compelled to take up arms in support of an ally, is desirous of rendering the war as little onerous as possible to the Powers with whom she remains at peace.

'To preserve the commerce of neutrals from all unnecessary obstruction, her Majesty is willing, for the present, to waive a part of the belligerent rights appertaining to her by the law of nations.

'It is impossible for her Majesty to forego the exercise of her right of seizing articles contraband of war, and of preventing neutrals from bearing the enemy's despatches; and she must maintain the right of a belligerent to prevent neutrals from breaking any effective blockade which may be established with an adequate force against the enemy's forts, harbours, or coasts.

'But her Majesty will waive the right of seizing enemy's property laden on board a neutral vessel, unless it be contraband of war.

'It is not her Majesty's intention to claim the confiscation of neutral property, not being contraband of war, found on board enemy's ships; and Her Majesty further declares, that being anxious to lessen as much as possible the evils of war, and to restrict its operations to the regularly organised forces of the country, it is not her present intention to issue Letters of Marque for the commissioning of privateers.

'Westminster, March 28. 1854.'

Some exception may perhaps be taken to the form of this document, which is that of a State Paper or Notification, rather than a specific Order of the Crown binding on the Courts. It expressed, however, the intentions of Her Majesty, and an Order in Council, passed in the usual form on the 15th April, gave to these intentions a more precise form and binding authority; and the Declaration now claims our notice as one of the most important and extensive concessions yet made to the liberal opinions and growing interests of this age.

It limits in fact the belligerent rights to be exercised by the Crown at present in this war, in as far as they concern neutrals, to two points:—

1. The seizure of articles contraband of war, including despatches, or persons in the naval or military service of the enemy;
2. The maintenance of an effective blockade established by an adequate force against the enemy's forts, harbours, and coasts.

The first of these rights of course implies the exercise of the right of search for contraband of war or despatches, under circumstances which warrant reasonable suspicion after the nationality of the vessel has been ascertained from her papers.

The second of these rights implies the condemnation of neutral ships for the offence of breaking blockade, after it has been duly notified and effectively established.

Having laid down these positive rights, the belligerent Powers expressly announce that they will waive the right of seizing enemies' property on board a neutral vessel, unless it be contraband of war; and that they will not claim the confiscation of neutral property, not being contraband of war, found on board enemies' ships. In other words the British Government consents to act upon this occasion on the principle, that 'the 'neutral flag covers the enemy's merchandise,' or that 'free 'bottoms make free goods:' whilst the French Government consents to abandon the converse proposition, not inseparably connected with it, but constantly maintained by France in former wars, that 'the enemy's flag condemns neutral goods.' So that on both sides, and under both the opposite systems of Maritime Law which have for centuries been a fruitful source of juridical argument and of naval warfare, a concession has been made favourable to the claims of neutrals and the general interests of trade. And this concession has been made by the two greatest Maritime Powers of the world, at a moment when their union rendered them the absolute sovereigns of all seas — compelled to no surrender of their principles, but ready of their own free will to take those measures which they conceive to be most favourable to the cause of civilisation and humanity.

These great concessions, however, by no means exhaust the series of changes to which we are adverting. As we have already observed, one of the questions most keenly disputed during the last century, was the right of belligerents to stop neutrals *in transitu*, when on the coasting or colonial trade, under what was termed the 'rule of 1756,' which held that neutrals were not to claim or exercise in war any rights they did not possess in peace, inasmuch as they obtained such rights for the benefit of the enemy rather than for their own. This

belligerent interference is, however, tacitly abandoned, and the first proposition of the Empress Catherine's Declaration thereby admitted. It was, however, contended by Lord Grenville in 1801, that the Third Article of the Treaty with Russia of that year had already opened the coasting trade to neutrals, and this restriction has more than once been abandoned and reasserted. In the case of Russia, as she has no colonies, the rule of 1756 is inapplicable: and, indeed, since the colonial trade of England and Spain has become free, the theory on which that restriction was based, falls to the ground. It is needless to revert to the other points of the Declaration of the Armed Neutrality of 1780,—such as the actual effective character of blockades, making it dangerous to enter the blockaded port,—which was already acknowledged to be the Law of Nations; and the vexed question of convoys may be allowed to rest in a contest with a Power from whose cruisers we have nothing to fear. The course of events has now brought us to adopt the most liberal principles ever advanced by Catherine II. or the Baltic Confederacy, and, as we shall presently show, *a great deal more;* but it is remarkable that a war with Russia should have been the occasion of a change in our maritime policy, on the very topics on which we have twice been warmly opposed to the Court of St. Petersburg.

It would be superfluous at this time, and inconvenient in this place, to renew, or even to trace, the protracted controversies to which these questions have given rise; for, after all, the policy to be pursued by belligerents towards neutrals during war can never be reduced to a fixed proposition of eternal justice, or a rule of positive law.

It is not our intention to embark in a discussion on the fundamental principles of these belligerent rights upon the abstract ground of natural justice and equity; and we are not tempted by the elaborate treatise of M. de Hautefeuille to quit the beaten track of legal tradition and political expediency, by which, after all, these questions must be decided. Disposed as we undoubtedly are to limit the application of belligerent rights to strict necessity, and to recognise the claims of neutrals, it is impossible to set up pretensions founded only on preconceived notions of public equity, against the precise obligations which have been sanctioned by the practice of nations and the decisions of maritime courts. Writers like M. de Hautefeuille and M. Ortolan (who, however, is not a lawyer, but an officer of marine) do not advance their cause by shifting it from the groundwork of positive law; and, indeed, the former of these writers appears to us to give up the whole of his argument as far as it is based on legal authority, by the admission, that, with

the exception of Hubner, '*all the jurists* who have defended the 'rights of neutral nations belong to the 19th century.' (*Haute-feuille*, vol. iii. p. 306.)

The question has, in fact, been variously dealt with for the last two centuries, according to the relative power and interests of belligerents and neutrals, or of the same States being at different times in one or the other of these conditions. The rules of international law are those originally incorporated in the *Consolato del Mar;* but these rules have been subjected to exceptions by treaty as often as governments conceived it to be their interest to restrict their application, which was practically the case in a large proportion of the treaties of peace and navigation of the 16th and 17th centuries. This relaxation, however, was a matter of expediency in each case. Thus, just after the British Government, in 1655, had acceded to the terms favourable to neutrals in its treaty with Portugal, the same point was raised by the Swedish ambassador in London; but to this Lord Commissioner Whitelocke replied, 'We were *against* that 'proposition, that a free ship should make free goods, which 'the Secretary said would increase their (the Swedish ships) 'exceedingly; and other nations would sell or build their ships 'to colour the carrying of contraband goods to our enemies.'* In point of fact, nothing is more difficult than to establish a general proposition in the law of nations, except by special agreement; because there is no universal binding sanction to enforce respect and obedience to such laws; and we can hardly accede to Dr. Phillimore's proposition in his very learned and eloquent commentaries, that the law derived from the consent of nations is practically subordinate to the law derived from God; inasmuch as the laws of God are essentially immutable, and the law of nations has been frequently adapted to the convenience and interests of society.

The only restraint which can be applied to the abuse of superior maritime power, is the dread of ulterior consequences and the dread of public opinion; but both these restraints have not unfrequently been broken through and defied by powerful States pursuing important national objects. The true principle to mitigate the rigour of this part of the Law of Nations, is a more dispassionate consideration of the rights of others, aided by a more enlightened perception of our own national interests; and we trust we may arrive at a time when it will be acknowledged and received as a maxim of state that the interest of the country is best secured, not by applying the

* Whitelocke's Memorials, p. 639.

rights of war in all their rigour to our own subjects and to neutrals, but, on the contrary, by circumscribing those rights within the narrowest limits which are consistent with the effective prosecution of hostilities.

If we are to look to the Middle Ages for the sources of our maritime law, and to invest the traditions of the Law of Nations with the veneration due to antiquity, the *Consolato del Mar* unquestionably supports the jurisprudence of the British Maritime Courts to the fullest extent. It has been shown by M. Pardessus that this compilation of the earliest recorded usages and laws of the sea, was drawn up at Barcelona about the end of the fourteenth century, in the bastard Latin, which was the basis of the language spoken to this day in Catalonia. The same principles were recognised by all the Maritime Republics which flourished in that and the preceding century on the shores of the Mediterranean. These principles may be reduced to two leading propositions.

1. Goods belonging to an enemy, and laden on a friendly or neutral ship, are liable to capture, and may be confiscated as prize of war.
2. Goods belonging to a friend, laden on an enemy's vessel, are not liable to confiscation.

Such are the fundamental doctrines which have been established for centuries by the exercise of belligerent rights and the decisions of maritime jurisprudence, from the Middle Ages down to the eighteenth century. They have been constantly recognised by our own Courts; and they are recorded with equal respect by the American jurists, Wheaton, Kent, and Story, who rank amongst the first writers on International Law of the last half century.

But whilst we confidently assert that these principles are the historical basis of the whole system of maritime capture, we readily admit that the tendency of successive ages has been to modify the application of them. It is a common opinion, that this country has uniformly been opposed to all relaxations of these rules, and has invariably enforced them with the power of its maritime ascendancy. It is also a common opinion, much repeated by continental writers, that France has been the great champion of the opposite doctrine, and the protectress of the rights of neutrals and the liberty of the seas. We undertake to show that both these opinions are unfounded. With reference to the former proposition, it is not true that the recognition by this country of the doctrine that 'free ships make 'free goods,' is an unprecedented novelty; it is equally untrue

that France originated that principle. With reference to the second proposition that goods belonging to a neutral are not condemned on board an enemy's vessel, this country has generally held the doctrine most favourable to the neutral owner, and France has almost invariably maintained the opposite and more severe doctrine.

The earliest treaty by which England recognised a departure from the usage of the Law of Nations, that the neutral flag does not cover enemies' property, was that concluded in 1654, between the Crown of Portugal and the Commissioners of the Commonwealth. This treaty was held by Lord Stowell to be still in force in the early part of the last war, and he gave the benefit of it to Portuguese ships carrying enemy's goods by virtue of the XXIII. Article, which runs in the following terms:—

'That all goods and merchandise of the said republic or king, 'or of their people or subjects, found on board the ships of the 'enemies of the other, shall be made prize together with the 'ships, and confiscated to the public; but all the goods and 'merchandise of the enemies of either on board the ships of 'either, or their people or subjects, shall remain untouched.'

The principal writers on international law, and especially Mr. Wheaton, in his History of the Law of Nations, have stated that the first treaty on this subject concluded between England and Spain is that signed at Madrid in 1667, and that, although this treaty provided that neutral and friendly property is liable to confiscation on enemy's ships, it does not establish the converse proposition, that free ships make free goods. But all these writers have overlooked a previous treaty of 1665, which is given in the 1st vol. of Abreu's Spanish Collection, and quoted in Hauterive's Collection, vol. ii. p. 383. This treaty contains the following articles:—

(29.) 'It is expressly agreed, that any thing which shall be 'shipped by the subjects or inhabitants of the dominions 'of one of the two Sovereigns on ships belonging to the 'enemy of the other (although the same be not mer-'chandise of contraband) shall be confiscated, together 'with all the goods found on such ship without exception.

(30.) 'On the other hand, all the goods found on board 'the ships belonging to the subjects of one of the two 'Sovereigns, shall be free reciprocally, although a part or 'the whole of the cargo be the property of an enemy of 'the allied Powers, except only merchandise of con-'traband.'

The same principle was established by the Commercial Treaty between France and England, signed at St. Germains in 1677. The Dutch, who, as the chief carriers of Europe, had strongly contended for neutral rights, and had obtained the admission of the doctrine, that their neutral flag should cover enemies' property from Philip IV. of Spain in 1650, insisted on the adoption of the same principle by Sir William Temple, in his negotiations with De Witt. The commercial articles of the Treaty of Breda in 1667, provided:—

'Quod id omne quod a subditis S. M. alieni navi Dominorum Ordinum pertinenti illatum erit, etiamsi ex genere mercium interdictarum haud fuerit, fisco applicatur una cum omnibus et singulis illic repertis. Contra vero iterum *immune et in tuto sit id omne quod navibus ad subditos S.M. pertinentibus invenietur*, quamvis iis imposita aut pars eorum ad hostes Dominorum Ordinum pertinuerit.'

And the same stipulation was repeated in the treaty of peace with England in 1674. The principle was maintained between this country and the United Provinces until 1756, when Great Britain refused to acknowledge it any longer, in consequence of the conduct of the Dutch at the breaking out of the Seven Years' War, and in the commercial questions of that period. The concession of the principle to the Dutch was the more important, inasmuch as they were, by position and by trade, the most considerable of the maritime states whose neutrality was maintained during some of the contests of that period.

Whilst this was the policy of England, in her relations with her nearest allies in Portugal and in Holland, that of France was diametrically opposite. Francis I., in 1543, had decreed, not only that the neutral flag did not cover enemies' goods, but that enemies' goods found on a neutral vessel confiscated the whole cargo, and the ship itself. This edict far exceeded in severity the original doctrines of the *Consolato del Mar*, on which it was built, yet it was for nearly two centuries incorporated into the maritime jurisprudence of France. The Dutch, indeed, in their negotiations with the French, had stoutly combated these pretensions. De Witt reported in 1658, that he had obtained the surrender 'de cette prétendue loi Française que *la robe d'ennemi confisque celle d'ami*,' but he renounced all hope at that time of obtaining the assent of France to the converse proposition, that *free ships make free goods*. It was not until the Peace of Nymeguen, in 1678, that the Dutch succeeded in inducing the Court of France to make this concession; but, in fact, it was not made in sincerity, or adhered to as

the rule of the French Council of Prize. For in 1681, three years later, Louis XIV. promulgated his celebrated Ordinance of the Marine, which asserted the belligerent rights of the Crown against neutrals in the most violent and imperious form. The VII. Article of that Ordinance is in these words:—

'*Tous navires* qui se trouveront chargés d'effets appartenants 'à nos ennemis, et les marchandises de nos sujets et alliés qui 'se trouveront dans un navire ennemi, seront pareillement de 'bonne prise.'

It would be difficult to express in a more succinct form the two extreme propositions of the law of prize; for, in the first place, the Law of Nations has never sanctioned the universal confiscation of neutral and friendly *ships*, merely because they are found carrying enemies' property; and, in the second place, the confiscation of neutral and friendly property because it is found on enemies' ships, is a practice which the Law of Nations, as we hold it, has never authorised. In the former of these cases, the old maritime law of England would hold the property to be liable to confiscation, but not the ship; and in the latter case, the ship, but not the property. Louis XIV., in both cases, pronounced both ship and cargo good prize. Such was the Maritime Law of France for a very considerable period. In July, 1704, another Royal Ordinance was passed which decreed that —

'S'il se trouvait sur des vaisseaux neutres des effets appar-'tenant aux ennemis de sa Majesté, les vaisseaux et tout le charge-'ment seront de bonne prise.'

And it was not till 1744 that this extraordinary edict with reference to neutral ships was abrogated by an ordinance, which provided that enemies' goods should still be liable to seizure under the flag of a neutral, but that the neutral ship should be restored.

The first important relaxation of this law was that introduced by the Commercial Treaty of Utrecht, concluded with England in 1713, in the following Article:—

XVII. 'It shall be lawful for all and singular the subjects of 'the Queen of Great Britain, and of the most Christian King, 'to sail with their ships, with all manner of security and liberty, 'no distinction being made who are the proprietors of the mer-'chandises laden thereon, from any port to the places of those 'who are now or shall be hereafter at enmity with the Queen 'of Great Britain, or the most Christian King. It shall like-'wise be lawful for the subjects and inhabitants aforesaid, to 'sail with the ships and merchandises aforementioned, and to 'trade with the same liberty and security from the places, ports,

'and havens of those who are enemies of both, or of either 'party, without any opposition or disturbance whatsoever, not 'only directly from the places of the enemy aforementioned to 'neutral places, but also from one place belonging to an enemy 'to another place belonging to an enemy, whether they be under 'the jurisdiction of the same prince, or under several. And as 'it is now stipulated concerning ships and goods, that free ships 'shall also give a freedom to goods, and that every thing shall 'be deemed to be free and exempt which shall be found on 'board the ships belonging to the subjects of either of the con- 'federates, although the whole lading, or any part thereof, 'should appertain to the enemies of either of their Majesties, 'contraband goods being always excepted.'

It may be observed, with reference to stipulations of this nature, that they have commonly been introduced into treaties at the conclusion of a general peace, when they can be of no practical effect, inasmuch as they relate to the state of war; and that on the recurrence of war they have as frequently been thrown aside or forgotten. This remark is the more applicable to such agreements between England and France, inasmuch as those States have been too often engaged as direct enemies and principals in war to have attended much to their reciprocal rights of neutrality, or to the terms of such a maritime alliance as we now happily witness.

But notwithstanding the stipulations of 1713, neither England nor France had departed from the general law of prize. The Seven Years' War was conducted with the full exercise of belligerent rights, by sea as well as by land, and the question of the neutral flag was aggravated by that of colonial trade. Indeed, as late as 1779, when a French plenipotentiary was sent to negotiate a treaty with the Duke of Mecklemburg, it was expressly provided, that enemies' property taken under the Mecklemburg flag should be confiscated*; and even the ordinance of

* Great stress is laid upon this remark by M. Koch in his edition of Schöll's treaties; but although this provision occurs in Art. XV. of the Mecklemburg treaty, Article XXI., contains a material departure from the old French law in the following terms: —

'Les vaisseaux Mecklembourgeois sur lesquels il se trouvera des 'marchandises appartenantes aux ennemis de S. M. ne pourront être 'retenus, amenés ni consignés, non plus que le reste de leur car- 'gaison, mais seulement les marchandises et denrées de la qualité 'spécifiée' — that is, contraband of war and enemies' goods — 'seront 'confisquées, *S. M. dérogeant à cet égard à tous usages et ordon-* '*nances contraires, même à celles des années* 1536, 1584 *et* 1681, *qui* '*portent que la robe ennemie confisque la marchandise et le vaisseau*

Louis XVI. in 1778 maintained the essential principles of the ordinance of 1681, with the exception of a mitigation of the law on the subject of the transport of contraband of war.

Thus far we hold it to be demonstrated that the doctrine of 'free ships make free goods,' had found no support from France, but that the opposite doctrine had been applied with rigour, and even united to the converse proposition that the enemy's flag condemns neutral goods. But towards the close of the eighteenth century, a great revolution in maritime law, as in many of the other institutions of the world, was at hand. The United States of America had declared their independence. France was intoxicated by the prospect of their success. Franklin was American minister at Versailles; and on the 6th February, 1778, a treaty was signed between the King of France and the United States of North America, which provided (Art. 23.) that the subjects and citizens of both countries should be at liberty to frequent the harbours of the enemies of the contracting parties, or of either of them, and to trade not only directly from the ports of such enemy to a neutral port, but also from one enemy's port to another; and it was further stipulated that free ships should make free goods, and that all goods shall be considered free on board the ships belonging to the contracting parties, even though the cargo, or part thereof, should belong to the enemies of one of them.*

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'*ami*.' This curious clause proves beyond all doubt what the French law had been to that time.

* The American statesmen of that time, however, never contended for these principles, except as the result of express stipulations; and Mr. Jefferson's language on the subject deserves to be remembered. In 1793, when that eminent man was Secretary of State, he wrote to M. Genet, French minister at Washington, in these terms:—

'I believe it cannot be doubted but that, by the general law of 'nations, the goods of a friend found in the vessel of an enemy are 'free, and the goods of an enemy found in the vessel of a friend are 'lawful prize. It is true that sundry nations, desirous of avoiding 'the inconvenience of having their vessels stopped at sea, ransacked, 'carried into port, and detained, under pretence of having enemies' 'goods aboard, have in many instances introduced by their special 'treaties another principle between them, that enemy bottoms shall 'make enemy goods, and friendly bottoms friendly goods—a prin-'ciple much less embarrassing to commerce, and equal to all parties 'in point of gain or loss. But this is altogether the effect of par-'ticular treaty, controlling in special cases the general principle 'of the Law of Nations, and therefore taking effect between such 'nations only as have so agreed to control it.'

If these pages should be read beyond the Atlantic, where these

Whatever might be the intrinsic value of principles of maritime law such as these, they were hateful to George III. and to his ministers and his people as the basis of an alliance between the American colonies and the Court of France; and they served at that moment only to add virulence to the hostilities which were raging. Ere long, however, the Northern States, whose interests were more concerned in the defence of the neutral trade than the belligerents themselves, found means to make their claims heard; and a formidable combination was organised in their defence. It was owing to an accident and a cabinet intrigue that Catherine II. placed herself, in 1780, at the head of that league which was termed the Armed Neutrality of the North; for the Empress had at first expressed to Lord Malmesbury her intention of supporting the views of England; and the means by which Count Panin turned the tables on Prince Potemkin and the British ambassador, are related with spirit in the memoirs of Goertz. Catherine had been provoked by the seizure of two Russian ships by Spain; and her minister adroitly insinuated, that, in defending her own wrongs, she might assume the position of a champion of neutral rights throughout the world.

A maritime convention was concluded on the 9th July, 1780, between the Empress of all the Russias and the King of Denmark, to carry into effect the principles which Catherine had already proclaimed by her ordinance of the 19th May of the same year. Strictly prohibiting trade in contraband of war, these acts and treaties peremptorily asserted the right of neutrals to carry all other merchandise whatsoever, and to whomsoever it might belong, even to one of the belligerent Powers, in neutral bottoms, and under the protection of the neutral flag. These principles were afterwards expressed in four propositions:—

I. That every ship may sail freely from port to port, and along the coasts of States at war.

II. That goods belonging to the subjects of States at war are free in neutral ships, with the exception of contraband of war.

III. That to determine what constitutes a blockaded port, this denomination is only given to a port where, by the arrangement of the Power attacking it with vessels sufficiently near, there is an evident danger in entering.

IV. That neutral ships are not to be stopped without just

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topics are warmly and not always correctly discussed, we hope our friends in the United States will give due weight to Mr. Jefferson's accurate and authoritative statement.

grounds and evidence against them, and that they be judged when stopped without delay; and, if acquitted, should be entitled to a complete satisfaction.

A similar treaty was shortly afterwards signed between Russia and Sweden. The States of Holland acceded to the same conventions on the 9th September, and proudly recalled the fact that they had obtained the recognition of similar principles from Spain in 1650, from France in 1739, and from Great Britain in 1674. Prussia followed in the same course in May, 1781. The Emperor of Germany acceded to the league in October, 1781; and Portugal signed a treaty with Russia on the same basis in July, 1782. The Court of Versailles, though, as one of the belligerents, less directly interested in the neutral question, declared by its note of the 25th April, 1781, that it accepted these principles of maritime law; and Louis XVI. rejoiced in the widely extended application of these views, to which the prevailing opinions of the age, and the influence of the American plenipotentiaries in Paris, had given extreme popularity. England alone resisted, but she was drawing to the close of an unsuccessful war, under a series of feeble governments, and in no condition to renew hostilities against every maritime Power in Europe. She acted more wisely, and joined the great conspiracy, which she could not hope to dissolve. The American treaties negotiated by Franklin with France, Sweden, and some other Powers, contained a distinct recognition of the rights of neutrals, and of the doctrine that free ships make free goods. But when, in 1786, Mr. Eden went to Paris to retrieve the consequences of an unfavourable treaty of peace by an admirable treaty of commerce, *he was instructed by Mr. Pitt to consent to a formal recognition of the great principle of the freedom of the neutral flag*, which was accordingly set forth at length in the Twentieth Article of Mr. Eden's Treaty. It is a circumstance worthy of note, and which has not to our knowledge been pointed out by any writer on this subject, that this Twentieth Article of the British Treaty of 1786 with France is identical in effect and almost in terms with the Twenty-third Article of Franklin's Treaty of 1778 with France, and with the Seventh Article of Franklin's Treaty of 1783 with Sweden; so that, in an interval of eight years, the Government of Mr. Pitt adopted the principles of maritime law, and even the phraseology of those stipulations to which the previous ministers of George III. and this country had been mortally opposed. It is true that none of these conventional arrangements which had been intended to mitigate the exercise of belligerent rights, survived the con-

vulsion of the revolutionary wars. The United States concluded a treaty with England in 1794, which recognised the seizure of enemies' goods under the neutral flag. The French Directory decreed on the 12 Nivose an V. that enemies' property found in American bottoms were good prize, and by another ordinance of the 29 Nivose an VI. all neutral vessels carrying enemies' goods were to be seized and condemned. The attempt to revive the league of the Armed Neutrality in 1800 was dissipated by the first attack on Copenhagen. The death of Paul, and the subsequent events of the war, led to the application of belligerent rights in their fullest extent, unrestrained by treaty or by law.

These facts sufficiently establish the proposition, that if the principles adopted by the British Government, in conjunction with that of France, during the present hostilities, are at variance with those acted upon during the last war, they are at least not without precedent. It may, indeed, be asserted that the progress of more liberal principles in maritime warfare had been steady and continuous from 1660 down to the French Revolution of 1789, when that fierce revolutionary contest, which overturned all law and all tradition in so many parts of Europe, threw us back upon practices and traditions which could only be justified by an appeal to the harsh usages of much earlier times. Those traditions constitute, in fact, no binding authority upon ourselves. The circumstances under which they were resorted to, have not recurred, and are not likely to recur. A period of forty years has elapsed since these questions have been debated in our Courts of Law and our Houses of Parliament; and if the Government of Queen Victoria sought for a precedent to guide the maritime policy of the country, they had more reason to take that precedent from the liberal treaties of 1654 and 1786 than from retaliatory measures such as those of 1807 and 1809. They obtained, moreover, from France, a distinct renunciation of the old French doctrine that the 'robe d'ennemi confisque 'marchandise d'ami.' The less severe portion of both systems has been retained; the more severe maxims have been rejected; so that neutrals are placed to the full in as favourable a position as was ever claimed for them by the confederacy of 1780; and though the Crown still asserts the existence of the belligerent rights it formerly enforced, and which may legally be exercised in case of necessity, they are for the present waived and suspended.

But the concessions and relaxations of belligerent rights which have accompanied the late declaration of war do not stop here, and it will readily be perceived that they could not stop at this point. Under the former system of maritime law admmis-

tered by the British Courts and assisted by the vigilance and power of the British fleet, all commerce in the property of the enemy was prohibited. That property might be seized under the flag of the neutral vessel, and all dealings in it, whether direct or indirect, were severely interdicted to British subjects. In other words, to render the commerce of the enemy as difficult and dangerous as possible, we did not hesitate to subject the neutral who engaged in it to considerable vexation, and upon the same principle we punished by confiscation such of our own subjects or ships as were found to be carrying it on.

But from the moment that the trade of neutrals with the enemy is recognised and the transport of enemies' property allowed under the protection of the neutral flag, with the sole limitations of blockade and contraband of war, the motive for this severity of prohibition on our own subjects is at an end. We concede to the neutral, by this waiver of strict belligerent rights, permission not only to enter the enemy's ports, not being blockaded, but also to take his produce and property on board, and to bring it for sale to this or any other country. But by the law of England, it would have been illegal for a British subject to take on board a cargo of enemies' property even in a neutral port without the licence of the Crown. All trade, direct or indirect, was strictly prohibited, on the principle of universal law we have already quoted from Lord Stowell. Indeed, the grand disqualification of commercial intercourse still remains in force, that, by the law of almost every country, the character of an alien enemy carries with it a disability to sue, or, in other words, to enforce contracts and recover debts by process of law —a disqualification which can only be removed, we apprehend, by statute.

If this prohibition to British subjects had continued in force after the 28th of March, both the neutral and the enemy would have found themselves in a better position for all the purposes of trade than our own merchants; for the neutral could alone have carried on these transactions, and the enemy would have thrown all the advantage of them into his hands. The effect of the declaration of the 28th of March would have been that, although Russian property, engaged in direct trade with this country in neutral bottoms, would be safe from English cruisers, English property, engaged in direct trade with Russia, would be liable to seizure and confiscation by our own cruisers, and, indeed, by French and Turkish cruisers; for a co-belligerent may seize the property of his ally engaged in trade with the common enemy, because such trade is considered a violation of their duty to each other. To meet this difficulty, two courses

were open to the Government; either to grant licences to trade with the enemy, by virtue of the prerogative of the Crown or to promulgate a general order which should, to a great degree, suspend these restrictions.

The system of licences * was largely practised in the late war, when it was employed on both sides, by the English and French Governments, to mitigate in some degree the effects of their own prohibitive edicts. Licences were an unavoidable evil, when every species of commercial restriction was enforced with excessive rigour, but they unquestionably gave rise to the most pernicious abuses and frauds. The privilege they conferred on a particular trader was continually transferred by sale. Whilst M. de Bourrienne was French agent at Hamburgh, his office was notoriously a mart for permits to evade the Continental System, and even in our own North American Colonies, it is recorded in Stewart's Reports, that 'Sidmouth's Licences' sold for 100 dollars, and 'Foster's Licences' for 10 dollars. It is true, the inferior article was in reality quite invalid and worthless. Sometimes conditions were annexed to the granting of licenses which were absurdly evaded at the expense of the consumer:—thus the French Imperial Government required that every ship licensed to bring in a cargo of British goods should export an equal value of French goods. The outward cargo was duly taken on board, and the vessel cleared, but as no French goods could be brought into England without a separate licence from the British Government, the more common practice was to throw the exported cargo into the sea, go in ballast to a port where English goods were to be obtained, and charge the price of both cargoes on the articles brought in for the use of the French consumer. Neutral ships sometimes were allowed to sail under double licences from both belligerents, in order to effect an exchange in commodities essential to their existence. Thus, in 1813, Great Britain required corn on any terms on which it could be

* The authors of the 'Manual of Maritime Law' have fallen into several considerable errors on this subject, which we have not space fully to examine or correct (*Manual, &c.* p. 372.). But we must observe that the power to make Orders in Council, or to grant licences for the liberty of trade, is *not*, as they suppose, derived from special Acts of Parliament, or of a limited nature, but is an undoubted part of the Prerogative in limiting the exercise of the belligerent rights that appertain to the Crown. These gentlemen appear to have hastened their compilation through the press before the important modifications introduced upon the declaration of war were known or understood. Mr. William Loch's 'Practical Guide,' contains a more faithful and accurate compendium of the law as it now stands.

procured; and France permitted corn to be exchanged for colonial produce, which she equally wanted; but these transactions were privileged speculations of a very precarious and gambling character, in which the consumer paid a large additional premium to cover the cost of the licence or the risk of the importer.

The theory on which licences to trade with the enemy were granted is that of public utility, and not of private advantage; but each licence creates a privilege in favour of the grantee, who can command a monopoly price for his articles. If, on the contrary, licences are granted without discrimination, they serve to set at nought the restriction which should be no longer imposed. Moreover the enormous development of modern trade, the infinite varieties and facilities of intercourse, and the ramifications by which every want of human society is supplied, have rendered it physically impossible to act otherwise than by general rules founded on public principles. On these grounds the Allied Governments are understood to have come to the resolution to grant no special licences at all, but to leave the operations of trade as much as possible to their natural course, subject only to the positive operations of war. Of these the most important, in a commercial point of view, is, of course, blockade, and it has also been determined, that a blockade, once being established, should be rigorously maintained. Indeed, since by a blockade the belligerent Powers exercise the right of excluding all ships from the ports of the enemy, it would be contrary to sound principle and natural justice, if these Powers gave to their own subjects, or to the subjects of their allies, a permission to break that chain by which even neutrals are excluded. For this purpose, too, no licences are to be granted. It becomes a question, however, of some nicety and importance to determine how far our cruisers and our courts will allow ships to come out of blockaded ports for the purpose of bringing away British or neutral property purchased before the declaration of war. According to the course of trade in Russia, very large advances are habitually made by British, Dutch, and other merchants, to buy up Russian produce, which is thus paid for before it is shipped and brought down to the seaports of Archangel, Riga, or St. Petersburgh, to await the season of navigation. There is a case in the American Courts (*The Rapid*, 8 Cranch), quoted in Mr. Wheaton's excellent Treatise on International Law, which would throw great doubt on the right of our own subjects to bring away their property from the enemy's dominions after a declaration of war. But our own courts have never sanctioned so extreme a doctrine. Many of our treaties give British sub-

jects an express term for the removal of their property; and according to the law as laid down by Lord Stowell, 'A neutral 'vessel, having *already taken on board a cargo before the* 'blockade begins, may be at liberty to retire with it, but she can 'only take away a cargo *bonâ fide purchased and delivered* 'before the commencement of the blockade.' It is obvious that a contrary rule would only inflict loss on our own merchants, by depriving them of the means of removing their property, but, at the same time, a line must be drawn to prevent fraudulent removals of property through a blockade subsequent to the notification of it. On this point Mr. Loch observes:—

'Licences to enter into blockaded ports for the purposes of traffic, are, beyond doubt, the most noxious of all licences. Weighing all these serious objections to the system, the Government determined not to issue any licences at all, not even for the limited and special purpose of enabling parties to bring away British goods said to be locked up in the ports of Russia, and which the Order of the 29th of March would not effectually relieve.

'The reasons which induced our Government not to yield on this point, even though pressed to do so by that of France, were that the Law of Nations would sufficiently cover those cargoes purchased and shipped previous to the commencement of hostilities; and that with regard to contracts subsequently entered into, and which affected but a very limited amount of property, as the parties had entered into them knowingly, and with the palpable design of speculating on the chance of large profits, it was not held that they were entitled to much consideration. In order, however, to facilitate the removal of British property from the ports of the Baltic and the White Sea, which were frozen up at the date of the order of the 29th March, further leave was given, by another order in Council, dated 15th April, to Russian vessels to come out of those ports, to any port of Her Majesty's dominions, and, after discharging their cargoes, to continue their voyage to any port not blockaded.'

Since then, on the one hand, the concessions made to neutrals had already relaxed the stringency of the laws of war, and left a door open to the trade of the enemy, whilst, on the other hand, the manifold abuses and injustice of the licensing system deterred the Allied Governments from reviving that practice, the only course which remained open to them was *to legalise trade with the enemy.* The order in Council of the 15th April accordingly declared that 'all vessels under a neutral or friendly flag, 'being neutral or friendly property, should be permitted to im-'port into any port or place in Her Majesty's dominions all 'goods and merchandise whatsoever, *to whomsoever the same* may 'belong,' and to export in like manner to any port, 'not blockaded, 'any cargo or goods not being contraband of war or not re-

'quiring a special permission.' The effect of this most important order, which may be considered the Charter of Trade during hostilities, is in fact to do away with all inquiry as to the origin or ownership of property under a friendly or neutral flag, by legalising the import and the export trade. It therefore goes far beyond any of the former stipulations in favour of the neutral trade, which were made chiefly out of respect to neutral rights; but this order expressly recognises, and so far encourages, trade in the property of the enemy himself under our own flag as well as under that of neutrals. 'All goods and 'merchandise whatsoever to whomsoever the same may belong,' are words including Russian property, which may be shipped under any flag but the Russian, and it is open to all traders to take such cargoes on board in any port not being blockaded. The same order goes on to declare, 'that all the subjects of Her 'Majesty, and the subjects and citizens of any neutral or friendly 'State shall and may during and notwithstanding the present 'hostilities with Russia, *freely trade* with all ports and places 'not being in a state of blockade,' with the sole exception that no British vessel shall, under any circumstances whatever, enter or communicate with an enemy's port.

This important measure is described in the following terms by Mr. Loch:—

'The effect of this order is, therefore, to leave the trade of this country with neutrals, and even the indirect trade with Russia, in the same state it was during peace, as far as the law of our Courts Maritime is concerned, and the doctrine of illegal trading with the enemy is at an end. The restrictions henceforth to be imposed are solely those arising out of direct naval and military operations, such as blockade, and those which the enemy may think fit to lay upon British and French property. As far as we are concerned, except that British ships are not to enter Russian ports, which it is obvious that they could not do without incurring the risk of a forfeiture of their property and the imprisonment of their crews, and which may otherwise be objectionable on certain grounds of policy into which it is not necessary to enter in this place, the trade may be lawfully carried on in any manner which the ingenuity and enterprise of our merchants can devise.

'It is not easy to convey to the mind of the mercantile classes of the present generation, who have had no practical experience of the state of war, the extent of the change which is thus effected in their favour. The vigilance of our cruisers and the acuteness of our lawyers were incessantly employed in all former contests in tracking out the faintest scent of enemy's property on board every vessel met on the seas. The character of enemy's property was regarded as an infection, and reprobated with all the terms ordinarily reserved for guilty practices. The mercantile ingenuity of the country, pressed

by the increased demand and exorbitant prices of prohibited articles, was strained to evade by every species of fraud these prohibitions, and a warfare was carried on within our own Courts of Justice between the pitiless exactions of the laws of war and the irresistible impulse of those of trade.

'From many of these perplexities and difficulties the order in Council of the 15th of April, 1854, will for the present relieve us.'

The only advantage therefore which the neutral retains over the national flag under this order is that of entering Russian ports, from which we are obviously excluded; but in all other respects trade with the enemy is still as free to British subjects as it is to neutrals. Should Russia exercise her belligerent rights, it is clear that British ships could never enter Russian ports without risk of capture, and they would further be exposed to the danger of desertion of seamen. This apparent advantage to neutrals — of entering Russian ports — is further materially abated by the fact, that the allied fleets have it in their power to close every port of Russia by blockade when they are not closed by ice. On the other hand, the limitation placed by this state of war on the enemy is the exclusion of his own flag from navigation and the condemnation of his property under that flag. In other respects the sovereign power which declares war has given a general licence to trade notwithstanding hostilities, and so far suspended the exercise of belligerent rights. It is, therefore, as Bynkershoeck expresses it, *pro parte bellum, pro parte pax inter subditos utriusque principis* — and the Allied Governments have set the example of that experiment which appeared monstrous and unheard of to the elder jurists,—namely, a partial commercial peace in the midst of a political war; for it is impossible to recognise freedom of trade with the enemy during war without recognising and protecting his private rights of property, and there is no medium between the absolute condemnation of his property wherever found, and placing the ships and goods of the Allied Powers in their mercantile relations with the enemy on the same legal footing as those of the neutral trader, except when affected by positive acts of war. In the language of the law, it will be for our courts to decide how far this Order in Council extends protection to the property and rights of those who would otherwise be considered as alien enemies; and it is not easy to foresee to what extent the relations of mankind will be affected by so novel and comprehensive a principle. Neither shall we venture to affirm that it would be practicable to apply the same principle in countries less liable than Russia to the pressure of a close blockade, for in proportion as we have reason to expect that her ports can be

hermetically closed by our cruisers, we are enabled to forego the exercise of other modes of coercion.

It is unnecessary to advert at length to the other Orders in Council passed at the commencement of the war, because they were of temporary application, and were intended merely to secure a time of grace to Russian vessels on their way to British ports, which were allowed to come in, discharge their cargoes, and depart without molestation, down to the 10th of May. The Russian ships afloat in different parts of the world were, however, placed in a position of great difficulty, for their own ports were closed against them by ice or by blockade. Some of them fell into the hands of our cruisers, not being protected by these orders; the greater number sold themselves in neutral ports. At the breaking out of hostilities there were but *two* British ships in the Northern ports of Russia, and these were detained for some weeks on political grounds, though not confiscated. It has in times of peace been usual for twenty or thirty British ships to winter at St. Petersburgh; and the returns of the number and tonnage of the ships entering that port show that more than half were British; thus in 1838, the total number of ships, in and out of St. Petersburgh, (including the Russians themselves) was 1310 vessels of 261,680 tons; of these 725 vessels of 163,812 tons were British. But the whole of this trade had been brought to a close or thrown into other channels before the declaration of war.

The declaration of the Emperor of Russia differs from that of the Allied Governments in two important particulars. He does not pledge himself to issue no letters of marque of privateers, and he announces that *vessels* carrying contraband to war will be seized, whereas the cruisers of England and France will seize the contraband articles only. It would be superfluous for us to enter upon a defence of the laudable attempt of the Allied Powers to discountenance the practice of commissioning privateers. Vessels equipped under letters of marque carry on the savage and predatory usages of war in their worst forms and for the worst purposes. They are, for the most part, beyond the control of the State in whose name and under whose commission they rove the seas. Their depredations are, in fact, a remnant of more barbarous times, and are utterly at variance with the more enlightened principle, that war should be exclusively carried on by the regular forces of the belligerents. It will be an immense boon to the true interests of mankind if this example should be followed, and the system of privateering abandoned for ever. This country and the United States, as the two great trading nations of the earth, are especially interested

in repressing the practice of this clandestine warfare, and the next step to abandoning it ourselves will be to refuse to recognise it in others. Already the legislation of the United States, and of almost every civilised nation, renders it penal to accept commissions of marque from a foreign Power against the property of a country not at war with the State to which the holder of such a commission belongs. If Russia issue letters of marque at all, it must be to foreign privateers, inasmuch as her own ports will be closed, and she would have no means of bringing in her prizes for condemnation. Even in the Eastern Archipelago, where great injury might be done to our trade, Russian privateers would not easily find a port of refuge; but if any of her letters of marque should be taken up by foreign adventurers, we hope they will be treated with the severity they deserve.

An opinion is entertained by some persons who applaud the liberal spirit in which the Allied Governments have applied themselves to these questions, that it is possible to carry this toleration and remission of belligerent rights still further, and to renounce the practice of maritime captures of private property altogether. Why, they argue, should the plunder of industrious merchants, which is thought disgraceful on land, be encouraged and legalised at sea? Is the advantage we derive from the interruption we can inflict on the operations of these persons commensurate to the evils their losses must impose on society at large? These are questions which may hereafter be solved in the same liberal spirit which has already mitigated so many of the evils of war. But we must observe, that the contrast drawn between the respect habitually paid to the rights of property on land and the capture of enemy's property at sea, is not unsupported by a substantial distinction. The seizure of an enemy's ships is not dictated by a desire to plunder him of his wealth; but it is the means employed, and the only means that can be employed, to exclude his flag from the ocean, to cut him off from the supply of those articles he draws from maritime commerce, except in as far as they can be conveyed to him by neutrals; and, if the war be prolonged, to destroy that maritime population which serves to recruit his navy. The hardship inflicted on individuals by the capture of their property, is a thing to be regretted rather than desired; and the Russian seamen taken in some of the prizes made at the outbreak of this war were astonished at the kindness and liberality with which they were treated. But this infliction is the only mode of accomplishing an important national object. It mattered little whether a few Russian brigs carrying cargoes of salt from Setubal were brought into the Thames; but the loss of that salt

is a severe blow on the population of the North, for it is used by them in their fisheries, and the want of it tends to increase that pressure by which we hope eventually to reduce the enemy to sue for peace. The stoppage of the foreign maritime trade of Russia is an enormous object; for the bulky nature of her produce, such as timber, hemp, tallow, &c., renders it unfit for land carriage; and when the export of it is stopped, she loses her means of exchange.

On the other hand, her ungenial climate and soil render her peculiarly dependent on foreign countries for many of the necessaries, and all the luxuries, of existence. The import of British coal into St. Petersburgh exceeds 40,000 tons a year; and as none of this essential commodity is found in the northern governments of the empire, or can be procured except by sea, the blockade cuts off in this single article not only an important commodity for warlike purposes, but the means of giving light to the streets of the capital, and activity to many branches of manufacture. In like manner, the prevention of the direct importation of cotton twist, of colonial produce, and of wine, must enormously increase the price of these commodities. To relax any of the rights which tend directly to reduce the enemy to terms, would, in fact, be a mistaken act of humanity, since it would prolong the war.

But to effect these objects, it is on the blockade that the Allied Powers have mainly to rely, since they cannot by any other means prevent the neutral flag from supplying the wants of the Russian empire; it is therefore highly desirable that the blockade should be strictly enforced during the present season, but it may become a question hereafter, whether it be not expedient to allow cargoes of certain articles of Russian produce to pass out of the blockade, though this concession would probably only be obtained by allowing these ships to carry in articles of demand in Russia. In a war like the present, begun solely by the wilfulness and ambition of one man, without any real national interest at stake in the quarrel, it must never be forgotten that the pressure we may be able to inflict on all classes of society in the Russian empire is one of the most powerful means we possess of crippling the Russian Government by producing a reaction of interest and opinion against the head of it.

Modern science has enormously augmented the force of our naval armaments, and enables us to concentrate large bodies of men and immense batteries of heavy artillery with a promptitude and precision unknown to our forefathers. It remains to be seen whether the science of defence has made equal progress,

and whether the resistance will be equal to the attack. But it cannot be doubted that the evils of war would be considerably diminished if the sharpness and irresistible violence of an attack on some decisive point of the enemy's dominions could become the test of victory and defeat, instead of extending the disabilities and miseries of war to all the relations of social life, and all parts of the globe. That point we have not yet reached, and in the struggles of great empires, it is not often that the supremacy of one side and the subjection of the other can be obtained except by the exhaustion of one of the combatants. But the measures which we have now passed in review are calculated to promote our national interests in the widest sense by keeping up that industrial activity and commercial prosperity which are the principal resources of the country—by enabling us liberally to apply our national wealth to the contest—and by removing many of those vexatious and oppressive restrictions which aggravated the evils of war to this community, and served to embroil us with the other Powers of the world.

The maritime power and the commercial prosperity of this country depend mainly on the fact, that we combine to an extent which no other State ever possessed, a large mercantile marine with a large military navy; and it is therefore essential to our national interests to maintain both these elements of our power in the fullest activity which is consistent with the occurrence of a state of war. To curtail our import or our carrying trade would, in fact, be to contract the resources with which we are enabled to carry on the contest. On the other hand, the policy adopted by the Government gives the greatest possible latitude to commerce, whilst it maintains the right of blockade to the fullest extent in the hands of a Power which has the naval force required to blockade an extensive line of coast in an efficient manner. These appear to be the conditions most favourable to the conduct of maritime war by this country; and the result of the application of more liberal principles has already been, that the industry and trade of the nation have been very slightly affected by the present hostilities, and that we have inexhaustible means of carrying on this contest to a glorious and successful termination.

ART. VII.—*Minorities and Majorities, their relative Rights: A Letter to the Lord John Russell, M.P., on Parliamentary Reform.* By JAMES GARTH MARSHALL. London: 1853.

THE appearance of this well-written pamphlet induces us to recur to a question which has been already discussed more than once in our pages*, but to which the proposition in the Government Reform Bill of this session has imparted a new and practical importance. The question to which we allude is the representation of minorities in the constituent bodies which return members to Parliament. It is material that this subject should be well understood in a constitutional country; and for this reason we propose to examine it, not with reference to the merits of any particular proposition, or in connection with any complex plan, but upon general principles, and on its own ground.

Every free government, however constituted, depends upon the decision of a body of persons, determined by the votes of the majority. Every free government therfeore recognises the maxim, that, for legal purposes, and in questions of voting, the majority prevails over the minority. The recognition of this principle is a necessary condition for the creation and the continuance of a free government: whereas it may be altogether rejected in a despotism. In an Oriental State, for instance, no vote is ever taken: from the sovereign down to the lowest tax collector, the entire civil government is arranged on a graduated system of simple command and obedience, like the military or naval organisation of an European State. But wherever power is vested in a body, and is shared between different persons standing on an equality with each other, votes must be taken, and where votes are taken, the larger must prevail over the smaller number. It is unnecessary for us here to enter into the reasons why practical questions of government are decided by the votes of a majority, and why, in matters of opinion, and questions of the mere truth or falsity of propositions, numbers are not allowed to prevail: but we confine ourselves to the fact, that the preponderance of the majority, in legal decisions, is the fundamental principle of a free government, and has been so, since the time when free governments were first introduced by the Greeks. The question which we have to consider, is, in what manner ought that majority to be determined.

* See Vol. 95. p. 270.; Vol. 98. p. 620.

Every supreme legislative assembly, whether it be, like the House of Lords, independent of popular election, or whether, like the House of Commons, or the American federal and state legislatures, it consist of members chosen by a popular vote,—must decide by a majority; either of any number more than half, or according to some other proportion. In such a body, a minority can never exercise any power independently of a majority; except by the permission of the majority.

But, in applying the principle of decision by a majority to the election of members constituting a popular legislative body, a different method has been followed. Both in England, and in other countries possessing parliamentary institutions, an endeavour has been made to render the representative chamber an exponent of the varied interests, opinions, and feelings of the entire community, and not merely of the more limited interests, opinions, and feelings which happen to predominate at the time when the vote is taken. If it were desired to elect a chamber which should faithfully represent the existing opinions of the majority of the people, the proper course would be to enable every elector to vote for as many persons as there are members, and to take a national vote upon a single list of candidates. In the United Kingdom, for example, every elector would be entitled to vote for 658 candidates—the votes would be collected and added up as in the elections of Louis Napoleon as president and emperor; and, whatever might be the number of candidates voted upon, the 658 persons having the largest number of votes would be returned. Now, under this system, many local and partial interests, many limited, nascent, or unpopular opinions, which now obtain a few organs in the House of Commons, would be wholly unrepresented. Even important minorities might be excluded from all representation, if a well-organised national election committee, supplied with large funds, retaining agents over the whole country, and operating through the metropolitan and provincial press, were to keep up an effective agitation, and canvass for a particular list. It is conceivable, for example, that the Protestant feeling of the country might be so worked upon, that every Roman Catholic would be excluded by the predominance of the English and Scottish electors: or that a coalition between the Dissenters of England, the Presbyterians of Scotland, and the Roman Catholics of Ireland, might exclude every candidate who was a member of the Anglican Church. It is still more conceivable that, at times when the interests of classes were arrayed against each other,—agriculture against trade, landlords against tenants, capitalists against workmen,—

one class would make an attempt to exclude all the candidates of another class. It is quite certain that at seasons of alarm (such as that which existed during the French revolution), candidates who did not share the prevailing fears and antipathies of the day would, by such a method of election, be effectually placed under the ban. A more efficient system of centralisation could not well be devised, than a general election worked under the influence of a central metropolitan election committee. A House of Commons so elected would doubtless be a very harmonious body. The great elements of dissent would be excluded. There would be few debates and divisions on important questions. But it would be unable to govern the country. The various defeated minorities, though unrepresented, would not be silent. The House of Lords, as containing persons of opposite views, would rise in importance, and would constitute itself a new organ of opinion. But the real conflict would be transferred elsewhere, and it would soon be found that a representative assembly which contained within its circle the representatives of none but the predominant sections in the country, was an imperfect institution, destitute of political life and vigour.

A different system has however been followed in this and other countries; which, though originally the result of accident rather than of design, has been long tried by the experimental proof, and has thus manifested its expediency. Instead of throwing all the electors into one reservoir, and taking their votes as a single body upon one list of candidates, the country has been parcelled out into certain territorial districts, each containing a limited number of voters—the voters in each of these districts form an electoral unit, and a majority of their number chooses one person, or a few persons, to be members of the representative assembly. Thus in the United Kingdom there are counties and boroughs, which form two marked classes, but whose circumstances again vary almost infinitely. In different places, the interests of town and country, of agriculture, manufacture and commerce, of wholesale and retail trade, alternately preponderate. Religious opinions likewise have a geographical distribution; and the same partition secures a fair division of power not only between the constituent parts of the kingdom, between England, Scotland and Ireland, but also between less remote districts, as between the northern and southern, the eastern and western counties.

Now, in each of these electoral districts—in each county, city, and borough—the majority of the electors is a minority of the electors for the whole kingdom. It expresses the predomi-

nant opinion of the particular district, but it does not express the predominant opinion of the entire country, though it may accidentally concur in that opinion. The aggregate result is, that when the various members meet in the House of Commons and assume a corporate form, it is found that they reflect pretty faithfully the prevailing opinions of the entire country, according to their proportionate prevalence. Interests which are weak in one place are strong in another; opinions which are nearly unknown in one place have taken root and borne fruit in another. The compound result of the local and unconnected elections is, that the House of Commons is a mirror, or miniature copy, of the entire country; it is the microcosmus of the great world which it represents. It collects into a focus the scattered rays of opinion and feeling, which are first brought into mutual conflict, but are afterwards harmonised and reduced to a practical unity.

The formation of electoral units, each one, separately, deciding, by the votes of its majority, may indeed be so arranged, that the prevailing opinions of the community are not fairly represented. The representative principle may be nominally preserved, and virtually defeated; as was the case in the system of the Roman centuries, which were organised by king Servius, so as to secure to the minority of the voters a preponderance of political power, though the principle of decision by a majority was formally respected. 'Curavit,' says Cicero, 'ne plurimum valeant plurimi.' Before the Reform Act, a similar result was produced in England, by placing the nomination of numerous seats in a few hands, and by excluding the larger masses of population and centres of industry and intelligence. Since the Reform Act, a general agreement has existed between the predominant opinions of the country, and the predominant opinions of the House of Commons. Further improvements may be, and doubtless are, practicable in the constitution of the House of Commons. We are not arguing that it is perfect; but we maintain that the principle upon which it is founded is not the representation of the opinions of a mere majority of the people, but the representation of the opinions of the entire people; that the House of Commons is a place where minorities, heresies, oppositions, remonstrances, and protests of all sorts are represented and entitled to a hearing, and that it is intended to comprehend and not to exclude them. Our representative system rests on a basis of incorporation, not of proscription. If the House of Commons is to be the mainspring of our government, and to retain its political and moral ascendancy, it ought to contain in its ranks the leading men of all opinions. We should regard it as a

misfortune if able and fair men belonging to all the parties in the State were not present at its discussions. We do not share the political opinions of Sir J. Pakington or Mr. Walpole, but we should be sorry if such respectable and capable exponents of conservative opinions were not in Parliament. The affairs of the country are best transacted by making the House of Commons a great mart of political business; a great clearing-house of political ideas: and we would no more seek to exclude from it the most eminent leaders of the various parties, or the ablest representatives of opposite opinions, than we would exclude the great capitalists from the Royal Exchange.

The difference between the supposed plan of electing the 658 members of the House of Commons from a single list, by an aggregate vote of all the electors of the United Kingdom, and the actual plan of electing them by a large number of separate electoral districts, may be illustrated, on a smaller scale, by a comparison between the mode of voting for a parish vestry, and the mode of voting in the larger municipal boroughs. The vestry of Marylebone consists of 120 members, of whom 40 go out every third year by rotation: they are elected by all the ratepayers of the parish in a single list, and consequently every ratepayer at a contested election is entitled to give 40 votes, for as many candidates. On the other hand, every large borough, under the Municipal Corporation Act, is divided into wards, varying from 16, the number of wards in Liverpool, to a smaller number. Each of these wards elects a fixed number of town councillors, instead of all the borough electors voting for all the town councillors in one list. A division of wards, similar to that presented by the Municipal Corporation Act, exists in the City of London for the election of aldermen and common councilmen: so that each ward elects an alderman, instead of all the city voters together electing all the aldermen.

At present the representation of minorities, or of limited portions of the people, so as to produce a House of Commons reflecting the general opinions of the country, and not merely the opinions of the majority, is effected only in one way; namely, by a territorial division. Electoral districts are formed; and the majority of voters in each district elect their member or members. In conducting this election, however, it is a universal rule, that every elector is entitled to vote for as many candidates as there are members. He has not as many votes as there are members; for he cannot cumulate his votes; he cannot give more than one vote in favour of any candidate; but he may vote for as many candidates as there are members, if he

thinks fit. What the origin of this rule may be, we do not know, but it is recognised by our law; and those who have lately discussed the question of majorities and minorities appear to regard it as an unchangeable and inscrutable principle of legislation; as something engraved on the heart of man, and demanded by the eternal fitness of things. To us it appears a rule not less arbitrary than the rules which prescribe the rates of the custom duties on sugar, or the colours of the uniforms of the army. It may, or may not be, expedient according to circumstances; but we must be allowed to question its necessity and universality, without being liable to the charge of political heterodoxy.

It has been proposed that in a case where several members are returned by the electors of a single district, every elector should either be permitted to cumulate his votes, by giving as many votes as there are members to a single candidate; or that each elector should have a smaller number of votes than there are members; for example, that he should have only one vote, or that if there are three members, he should have only two votes. The effect of this arrangement would be, that a number of persons, being less than a majority of the electors of the district, would be able sometimes to return a member. Suppose, for example, that an electoral district contains 10,000 electors, and returns three members; that a contested election takes place, between three candidates on one side, and two candidates on the other; and that the three candidates each poll 5000 divided votes, and the two candidates each poll 4000 divided votes. According to the present plan of each elector being entitled to give three votes, the three candidates of the same party would be returned. But if each elector could only give two votes, the 5000 votes would be exhausted upon two out of the three candidates, and one of the other two candidates would stand third upon the poll, and would be returned. The result of the latter mode of voting would be, that a number of persons, less than a majority of the electors of the entire district, would return a member. This is true; but precisely the same effect might be produced, if instead of limiting the number of votes given by each elector, the district were divided; and two members were given to one portion of it, and one member to another. Yet those who consider the representation of minorities as something monstrous or unnatural would consider the latter arrangement quite consistent with sound principle: though virtually the two arrangements amount to the same thing. Liverpool now returns two members. What difference would there be, in principle, between giving it three members, and restraining each elector to

two votes; or dividing the town into two districts of unequal size, the larger returning two members, and the smaller returning one member? We would, moreover, ask those who regard it as an institute of the law of nature that an elector should vote for as many candidates as there are members, whether they do not consider it contrary to nature that an elector should cumulate his votes on one candidate; that he should have as many votes as members, to dispose of as he thinks fit. If this distinction between voting for as many candidates as there are members, and giving a cumulative vote to a single candidate, is written on the heart of man, we can only say that the writing is very indistinct; for everybody who has had any experience of canvassing knows that voters often suppose that they can give two votes to one candidate, even under the present law.

The mistake of those who hold that the proposal made in the late Reform Bill was something strange, unnatural, and irrational; that it was unconstitutional, oligarchical, and anti-popular, is, it seems to us, founded on the supposition that the representation of minorities is unknown to our parliamentary system; whereas, in fact, our parliamentary system is exclusively founded on this principle. It is exclusively founded upon the representation of minorities of the entire body of electors: not a single member of the House of Commons is elected by a national vote, by a vote of the whole body of electors. Every member is now elected by the majority of a minority. The question is, how that minority and that majority are to be determined. For settling this question, the objectors to the proposed plan make two assumptions. 1. That it is an inflexible canon of legislation, and a fundamental rule of a representative system, that an elector should be entitled to as many votes as there are members. 2. That the representation of minorities, or electoral units of the community, may be effected by a territorial division, but in no other manner. Both these doctrines seem to us founded upon narrow and partial views. We can see no reason why the minority, or electoral body, should not be a varying number of electors, determined by the limitation of the number of votes given by each elector, rather than a fixed number, determined by territorial limits. We can see no reason why a majority should invariably be formed by giving to each elector a capacity of voting for as many candidates as members. Under the proposed plan, every member would equally be returned by a majority; but the majority would be calculated on different principles from those now established.

The subject which we have been considering is illustrated by the following remarks of Mr. Hickson, an intelligent witness examined by the late City Commission, whose writings on

various municipal and administrative subjects are deservedly held in high esteem.

'Another point which occurs to me has reference to the principles of representation. When we are considering how a new municipal franchise is to be carried out, we have to determine what share in the representation should be given to each elector. It now greatly varies. In some wards of the City an elector votes for four, six, or eight members of the Court of Common Council; in other wards, for fourteen and sixteen; and it is one of the curious anomalies of our representative system, that in the neighbouring district of St. Marylebone every elector has the power of voting for 116 members of the governing body. Now, if the principle be right, that an elector should have a voice in the election of 116 representatives, a system which limits him in Farringdon Without to the choice of sixteen cannot be equally right, nor that which limits him in other wards to the choice of four or six. It is time we thought of laying down some consistent rule on the subject.

'Is not the rule a very simple one, namely, that each elector has as many votes as there are persons to be elected?—That applies only to the question of equality in the representation, not of fitness.

'In a district where the number of persons to be elected is smallest, the number of electors is smallest, is not it?—It is so; but something more is required. I think that all elections should be so conducted that every voter should be put in a position to exercise an intelligent choice. In the case of election by large batches it is impossible for an intelligent choice to be exercised. The list system followed in Marylebone and in the ward of Farringdon Without I regard as essentially bad; and as applied in France it was the means of destroying the fruits of the revolution of 1848. It threw the elections of that country into the hands of different factions, the public at large voting completely in the dark. In Paris every elector was required to vote for thirty-four candidates, none of whom perhaps he knew personally. Marylebone is practically governed by a self-appointed body, for no one person knows the whole of the 116 vestrymen for whom he is requested to vote.*

'What you object to is the system of voting for candidates by lists?—Yes. I would recommend, in place of that, that every elector should have but one representative.

'Would you give him one representative, by subdividing the City into wards or districts?—I would divide the City into wards; but I do not think a subdivision of the wards would be necessary. I should suggest ten wards as sufficient; and there might be ten candidates elected in every ward, but every elector in each ward should vote for only one of them. I would draw your attention to the importance of providing for a representation of the minority in a municipal assembly

* By 35 Geo. 3. c. 73. the Marylebone Vestry consisted of 123 members, who were annually elected. The parish is now governed by Hobhouse's Act.

as well as the majority. That is a principle as yet but little understood, but which will one day be seen to be indispensable to any system of real representation. I have always passed for a radical reformer, and have no objection to be called one at the present moment; but I do not at all regret the delay which has taken place in reference to the improvements required in our Parliamentary representation, on this account. The public mind is scarcely yet sufficiently awakened to a number of important questions connected with the subject; among others, this of the minority having a place in every deliberative assembly appointed for either local or national objects. We have talked a long while about the extension of the suffrage, and vote by ballot, which I would not undervalue; but the only effectual way by which corruption at elections, and all that party strife and bitterness which now disgraces them, can be made to cease, is by allowing the minority their fair share in the representation. In a national assembly the representation should be a reflex, as much as it can be rendered, of the nation itself. The nation itself consists of majority and minority, and in the minority the most intelligent part of the nation is often found.' (*Appendix to Report of Commissioners of Enquiry into the Corporation of London*, p. 319.)

We agree with Mr. Hickson in thinking that the proposed principle of voting is quite consistent with popular principles, and that the subject deserves an attentive consideration. Mr. Marshall argues that our present system works ill, and prefers another plan on grounds of expediency.

'It is true that the evils of the common mode of voting are palliated by the division of the voters into many local constituencies of limited extent, in which political parties will exist in different proportions, so that the minority in one place may be a majority in another. If the separation of parties according to locality were complete, so that each constituency consisted entirely of one party, then a just weight of representation might be secured by each, or if the number of constituencies in which any given opinions prevailed were proportioned to the general prevalence of these opinions. But we know how far this separation of parties falls short of completeness in point of fact; and how widely and generally large political parties are scattered and intermixed throughout the country. This intermixture is greater in reality than it appears to be on a hasty and superficial view; for from the very prevalence of the evils of the present mode of voting, we are apt to class this or that constituency as almost exclusively protectionist, conservative or radical, because the minorities are habitually swamped and voiceless, when a true statement of comparative numbers would often show a very respectable, but, at present, a silenced minority. And when we speak of indirect palliation to this mischief, we must remember how monstrous, unjust, and unbearable the unabated evil would be if it existed in its full proportions; nor can any palliations be well suggested, or relied on, that will not leave, without relief, a great weight of inequality

and injustice. That such inequalities, with their attendant evils, do extensively exist at present, I think the experience of every one who is conversant with political matters will prove. Take, for instance, the common case of a conservative minority entirely swamped in a large town constituency, and that of a liberal minority equally swamped in a county; and see what mischief is wrought in either case. The minority in both instances labour under a constant, and often a sore feeling of injustice and oppression, which tempts them, either to abandon in disgust all attempts to maintain their opinions in the public exercise of their political rights, or to use fraudulent and violent means in struggling against what they feel to be an injustice, but one for which the constitution gives them no lawful remedy. The majority in both cases having a monopoly of power, and no wholesome check or restraint, become, almost necessarily, tyrannical and bigoted, and will not even listen to any opinions adverse to their own. Can it be seriously argued that, to balance one great mischief against another, is as wise and safe a mode of proceeding, as the endeavour to avert both? Is it not a pressing duty of Parliament to secure to all parties the just and equal exercise of their political rights, as the surest way of teaching each to respect the other, and of rubbing off much of the error and animosity on both sides." (Pp. 19—21.)

The expediency of importing into our system the principle embodied in the late Reform Bill, will, as it appears to us, depend mainly upon the choice between retaining small constituencies with one or two members, and the creation of large constituencies with an increased number of members. If, in order to avoid the evils inseparable from small constituencies, large constituencies with three or four members are created, and if the present system of allowing each elector to vote for as many candidates as there are members be universally introduced, then the result will be, that large local minorities will go permanently unrepresented, that coalitions of three or four candidates will produce unfair contests, and that the reflexion of the opinions and feelings of the people at large in their representative assembly will be less complete and faithful than it would be under a different system.

ART. VIII. — 1. *Report of the Superintendent of the Census for December* 1. 1852; to which is appended the *Report for December* 1. 1851. Printed by Order of the House of Representatives of the United States. Washington: 1853.

2. *Notes on Public Subjects made during a Tour in the United States and Canada.* By HUGH SEYMOUR TREMENHEERE. London: 1852.

3. *Reports of the Colonial Land and Emigration Commissioners.* Printed for both Houses of Parliament.

4. *Letters on Irish Emigration.* By EDWARD E. HALE. Boston: 1852.

NATIONS, like individuals, have their times for self-examination, when they pause, survey their positions, glance back upon the past, study the lessons of experience, and gird themselves up for the future. In the summer of 1850, about a year before the last enumeration of the population of Great Britain and Ireland, the Marshals of the United States of America were occupied simultaneously throughout the Republic in ascertaining the number, colour, nativity, sex, occupation, habits, and wealth of its scattered population, and in collecting information concerning its resources. The full results of this work still rest in the official receptacles; but the Report of the Superintendent made in December, 1852, gives an abstract of what the 'Seventh Census' will be when finished. The complete work, for some unknown cause, is yet unpublished.

A large part of Mr. Kennedy's Report is occupied with the subject of the foreign immigration into the United States. Although incomplete and sometimes, we believe, inaccurate, it furnishes the means for arriving at conclusions as to what has been and is, and gives us grounds for speculation as to what will be.

Most readers are familiar with the chart prefixed to modern editions of 'Gibbon's Decline and Fall,' exhibiting the march of the barbarian tribes upon Rome. The exaggerations of the press have accustomed us to speak of the modern 'Exodus' from famine, want, and plethora of labour, as if it were a similar movement. As ship after ship leaves Liverpool, London, Havre, Rotterdam, Hamburg, and Bremen, crowded with emigrants for America, we picture that country yielding itself a prey to an ignorant peasantry. We see them in imagination transferred to its shores, and invested by the magic of an oath, with the attributes of citizenship; and we turn with

sorrow from the contemplation of the probable annihilation of the principles of Constitutionalism in the clashing with Democracy. Nothing can be more unfounded than such fears.

The United States' Census of 1790, taken before any acquisition of territory, exhibited a population of 3,221,930 freemen, and 697,897 slaves. There were then thirteen States, in twelve of which it appears that slavery existed: its feeble life in New York, New Jersey, Pennsylvania, Connecticut, and Rhode Island has long since been extinguished. In 1803, the French province of Louisiana, including most of the country west of the Mississippi, was added to the Union. Florida was purchased from Spain in 1819; Texas annexed in 1844; and New Mexico and California acquired by conquest and treaty in 1848. Five slave States, two free States, and six territories have been created out of all this country. Two new free States have also been admitted to the Union from the territory of New England since the formation of the Federation, and 5 free and 4 slave States from the country west of the Alleghanies assigned to the Republic by the treaty of 1783; thus making in all at present 16 free States, with 142 representatives in Congress, and 32 senators; and 15 slave States, with 91 representatives and 30 senators.

The total population of the United States in 1850 was over twenty-three millions, of which nearly eighteen millions were native whites, over two millions were foreign born, 39,000 were of unknown nativities, and 3,200,000 were slaves. It appears that between 1840 and 1850, 1,569,850 foreigners arrived in the United States; from whence we should conclude, even in the absence of other evidence, that the emigration before 1840 was comparatively small. It began on a large scale only in 1847. From 1820 to 1830 the average number arriving was only 20,000 a year; from 1830 to 1846, about 70,000 a year. In 1847, the famine desolated Ireland; and the revolutions on the Continent, which unsettled the channels of labour, followed the next year. The immigration increased, under the pressure, to 240,000 in 1847, and to 300,000 in 1850; and it is now estimated at the Census Office that the 'total number of emigrants into the United States since 1790, 'living in 1850, together with descendants, amounted to '4,304,416,' which we shall assume to be the complete foreign addition to the population of the country between 1790 and 1850.*

* It appears by the last report of the Colonial Land and Emigration Commissioners that the total Irish emigration from 1847 to 1850

All this has, and is to have, a great effect upon the relations between slave and free labour. The free coloured population appears to have increased 10·96 per cent. during the decade just past. The slave population, 28·81 per cent.; and the whites, 38·28 per cent.

The regular decrease in the augmentation of the free blacks is one of the remarkable features of the progress of races in America. From 1790 to 1810, the Northern States, under the

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inclusive, was 833,692, nearly all of which was for North America. The Hamburg Emigration Society report the German Emigration during the same time as 356,684, of which we assume 96 per cent. to have gone to the same quarter. The Canada and New Brunswick immigration during the same period amounted to 210,904; and, assuming that the emigration from the United States into Canada was equal to that from Canada into the United States, which Mr. Kennedy justifies us in doing, we have as the total German and Irish emigration to the United States from 1847 to 1850 inclusive, according to European authority,

| | |
|---|---|
| Irish - - - - - | 833,692 |
| German - - - - - | 341,426 |
| | 1,175,118 |
| Deduct Canada and New Brunswick immigration - - - - | 210,904 |
| | 964,214 |

The total number of immigrants of *all* nations returned by the United States authorities during the same time, was 1,037,771, which agrees substantially with the European statistics. The same European authorities return the emigration of 1851 and 1852 to the United States as follows: —

| | 1851. | 1852. |
|---|---|---|
| United Kingdom - - | 267,357 | 244,261 |
| Germany - (estimated) | 111,052 | (settled) 144,528 |
| | 378,409 | 388,789 |

The arrivals at New York alone, in 1852, were 296,438, of whom 118,134 were Irish, and 118,706 were Germans, being a decrease from the year before of 45,122 in the former, and an increase of 48,623 in the latter.

Dr. Chickering, who is excellent authority, estimates the foreign addition since 1790 at 5,000,000, instead of 4,000,000; and the Hamburg Society estimates the German element alone at 4,397,763, —a very wild statement. We have adopted the official estimate in preference to Dr. Chickering's; but the difference is of little moment, as the actual foreign-born element remains at 2,000,000, and the results we point out would be substantially the same in either event.

influence of climate and the spirit of freedom, engendered by the revolution, were emancipating, or preparing to emancipate, their slaves; and the ratio of increase of the free coloured population consequently greatly exceeded that of the whites or slaves. The following decade the percentage diminished; but was increased again, from 1820 to 1830, by the entire abolition of slavery in New York, and a large emancipation in New Jersey, Maryland, and Virginia. In the succeeding decade it fell off again; and in the last, as we see, it fails to reach 11 per cent.; and this, notwithstanding the manumission of 1500, and the flight of 1000 slaves a year, if the year 1850, for which alone returns on this head are made, be an example of the general course of things. In some of the States—New York for instance—the number has actually diminished; in others—like the New England States—it has done little more than remain stationary; while, in others, on the Canada borders, and with strong abolition sympathies,—Michigan and Ohio for instance—it has decidedly increased.

There can be but one solution to this—the degraded social position into which the Negro is forced by the prejudices of the whites of the North, and particularly of European immigrants. There is no physical reason why the black race should not increase as fast, and faster even, than the white. The experience of the slave States proves this, where, in spite of a degradation for which no amount of personal comfort can compensate, they faithfully fulfil the Divine command to 'multiply and replenish the earth.' Sambo is naturally a jovial, good-natured, laughing fellow, full of fun, not without a relish for a practical joke, and ready always for a dance and a bit of banjo music in the open air—especially if Dinah be there, for whom it must be confessed he has a strong liking. He is too fond of his ease to be out of temper for a long time; too much a man of the world to work unless obliged to do so; and by far too much a gentleman to trouble his woolly pate with thinking a great deal. He is a bit of a 'swell,' we are sorry to say, and loves to deck his ebon beauties in bright reds, and blues, and yellows, but not without a rude idea of taste and harmony of colours—if such a thing may be seriously suggested; and so long as Dinah likes it, he cares little whether it be according to the rules of art. He has a certain natural delicacy in the midst of his coarseness which contrasts very favourably with the beer-drinking rudeness of the labourer of some countries nearer the meridian of Greenwich, and a remembrance of good treatment, which ensures his master against 'strikes,' as long as he does not strike first. And when he and

Dinah at length become one, there seems to be naturally no good reason why woolly-pated 'piccaninnies' should not be thick around his cabin as ever carroty heads were on an Iri potato patch. In Massachusetts, for instance, they would seem to have every thing in their favour — freedom, plenty of work, equality of laws and rights; and yet his family has increased only 4·5 per cent. in the ten years. The truth is, free Sambo in the United States, with all his freedom and political equality, has no reality of either. His colour stamps him for ever in unjust popular prejudice, which is stronger than law, with the caste of labourer; and not labourer alone, but degraded labourer, whose mother, and brother, and cousin are slaves, and who ought to be one himself; and, if the truth must be told, all this makes Sambo rather a good-for-nothing fellow. He neglects his family, is unthrifty, gets behind-hand, and before long finds himself quite at the foot of the social ladder. Meanwhile Pat has been coming in from Ireland, and has stepped over him; and, in astonishment at finding somebody underneath himself, he becomes the worst tyrant that the poor black has to endure. The inveterate dislike of an Irishman to a Negro is as well known as it is remarkable.

But, while the free black of the North, in spite of his theoretically better condition, has barely held his own in some of the States, his southern cousin has been increasing his family at a great rate. Whether it be that, with plenty to eat, and, in the absence of care, his shackles sit lightly on him, or whether it be that he stifles his sorrows in domestic pleasures, we do not stop to inquire. It appears that, from some cause, the natural increase of the slaves has been as great, and greater even, than that of the whites; so that, without foreign immigration, the relative numbers of the two races, and the relative weight of the two sections of the Union, would not have been materially changed in the sixty years. We do not take into account the trifling difference in the proportion made directly by the acquisition of territory, as the total number of slaves and freemen was small in each case at the time of the annexation, and the effect upon the general result was more than balanced by the abolition of slavery in the North. Annexation has undoubtedly strengthened the 'institution,' by giving it new States to govern and new fields to cultivate; but not essentially by an actual addition to the number of slaves. Neither do we take into special account the larger percentage of the slave increase from 1800 to 1810, created by the prospective abolition of the Slave Trade in 1808; because the proportion of slaves to whites of native descent, in 1810, was almost exactly the same as in 1850.

In 1800 the proportion was as 1 to 4·94; in 1810 as 1 to 4·78; and in 1850 as 1 to 4·76, deducting in each case the number of immigrants and descendants of immigrants since 1790 from the total white population. This great increase of a population held unjustly in a state of bondage, with freedom and activity all around them, is a remarkable feature in history, and suggests the possibility at some future day of an attempt at a forcible reclaimer of their rights, when they shall decidedly outnumber their masters. If such a struggle should ever come it would be short-lived and deadly, and could terminate only in the annihilation of the weaker black.

Before 1794 it seemed that this species of labour was about to die out in the natural course of events. In three of the Northern States it had perished; in five more it lived only upon sufferance; and in the South public sentiment would have abolished it if a feasible way had been proposed. Whitney then invented the cotton-gin; and the export of cotton, in 1793 less than five hundred thousand pounds, trebled in 1794, increased to six millions in 1795, reached eighteen millions in 1800, two hundred and eighty millions in 1830, and nine hundred and twenty-seven millions in 1850. African bondage became profitable. The planters of Alabama, Mississippi, Georgia, and the Carolinas bear the sin before the world; but Liverpool, Lowell, Manchester, and New York furnish the money which prolongs and extends the system.

In spite of these influences so favourable to slavery, the foreign immigration is gradually affecting the balance of power in the Federation. In 1800 the total population of the Slave States was 48 per cent. of that of the Union, and their representation was 45 per cent. of the House. In 1830 they had but 45 per cent. of the population, and 41 per cent. of the representation; and in 1850 but 41 per cent. of the former, and 39 per cent. of the latter. It requires no prophet to foresee that the same disturbing causes will continue as long as the peasants and artisans of Europe can command cheap homes, high wages, and an improved social position in the New World as easily as they now do. The census enables us to follow their track across the Republic, and to see in what communities they rest. The results are curious and not altogether expected.

1. It appears that the immigration rests almost entirely in the free States. Of the 2,200,000 foreigners resident in the Union, only 305,000 are in the Slave States; and of these 127,000 are in the comparatively northern corn-growing States

of Maryland, Virginia, Kentucky, and Missouri, and 66,000 in the commercial State of Louisiana.

2. It travels principally due west in a belt reaching from 36° or 37° N. to 43° or 44° N., including the central and southern parts of New England, the middle and north-western States, Maryland and Delaware, and the central and northern part of Virginia, Kentucky, and Missouri. The climate and production of this country are similar to those of Europe; the general ratio of health and average of life is higher notwithstanding the great floating European population, and the name of labourer is not degraded by a comparison with slaves.

3. Less than one-third of the total immigration has entered the Lake Country and the Valley of the Mississippi. The proportion of foreign population in New York and in Massachusetts is greater than in any western agricultural State except Wisconsin. It is also nearly as large as in California, a gold-seeking community from the world at large.

4. It principally consists of Irish, Germans, and English.*

Of the English nearly five-eighths are to be found in the Atlantic free States, about one-third in the States of the north-west, and nearly all the residue in the northern slave States.

Three-fourths of the Irish stay in New England and the middle States (principally in Massachusetts, New York, and Pennsylvania), where the commercial and manufacturing interests are seated; and they are found in the south and west only where there are great public works in construction. They change their soil and their allegiance, but keep their nature intact. Unwilling in the New, as in the Old World, to guide their own destinies, they stay where another race furnishes food for their mouths, and labour for their hands, and takes to itself the substantial fruits of their industry. One love, however, is entirely weeded from their hearts. Their experience with the impoverishing potato-patch seems to have given them a distaste for agriculture; and, in a country where there is plenty of land and a sure harvest, they avoid almost entirely the pursuits to which they cling so tenaciously in Europe. Their numbers did not in 1850 reach a million,—not two-thirds of the decrease in the Irish population during the last ten years.

The Germans are more energetic, or, rather, bring their energy to a better account. More than half their number are spread over the north-western States, Missouri and Kentucky, and more than one-third in New York and Pennsylvania. They stay, indeed, in the towns in great numbers, devoting them-

* Their respective numbers in 1850 were—English, 278,625; Irish, 961,719; German, 573,225.

selves to mechanical arts and to trades; but a large proportion, also, if the census speaks truly, are to be found in the agricultural districts, where they fell the forest and turn up the prairie for themselves. Some years ago we remember to have seen a colony of German emigrants landed on the unfinished pier of an unbuilt city in Wisconsin. The pier has doubtless since been completed, and the city has its thousands; but then, a few driven piles and a quantity of scattered lumber marked the place of the former, and rectangular streets strewn with fresh felled timber, stretching into a primeval forest, showed where the latter was to be. The emigrants were bundled out upon the pier, and their boxes, chests, willow-fans for winnowing wheat by hand, spinning-wheels and primitive spades, scythes, and ploughs were tumbled after them. The poor women sat upon the boxes in the hot sun (it was in August) and cried at the desolate appearance of this, the gate to their Paradise, and the men tried in their rough way to comfort them. We leaned upon the 'guard,' looking at them as the boat steamed up Lake Michigan, and admired the simplicity which could bring their miserable utensils to such a country. Long before this the men have chased away the young grouse with American ploughs, and have fattened their cattle on the long grass of the prairie, and the women, putting away the spinning-wheels as relics of a by-gone existence, sit in the summer evenings under the honeysuckle and bignonia, which twist themselves over the porch, and sing to their children of the *Vaterland* without a sigh of regret.

The valley of the Mississippi and the Upper Lake Country has not only gained in an unexampled manner, but has been almost created within the half-century. Where, in 1800, there were less than 400,000 persons clustered around the rude forts that protected them from the Indians, with only 7 per cent. of the representation in Congress, there are now nearly ten millions cultivating 53,000,000 acres of improved land, and represented by 42 per cent. of the House. If the European immigration has remained in the Atlantic States, the inquiry naturally arises, Whence comes this western population?

The oracle of the census again responds. All the while there has been a native emigration twice as great as the foreign. Washington Irving's pleasant sketch of the Yankee seems to be literally true,—a discontented being, unwilling to stay quietly in the home of his birth, and seeking an unknown better in some new sphere. Just when he begins to grasp it,—when the 'stumps' are uprooted and the corn grows plentifully,—when his finished barns are filled, and his log cabin takes to itself some look of comfort,—he sells his 'improvements' at a profit,

shoulders his axe, harnesses his horse to a covered cart, into which he packs his wife and a staircase of children, and marches to some spot still further West, where he may begin anew. Thus the whole country is in motion; Massachusetts removes to Maine, and Maine to Massachusetts; New York visits Pennsylvania, and Pennsylvania returns the compliment. Virginia crosses to Kentucky, and Kentucky pushes over into Illinois. Yet the whole migration appears to be governed by fixed laws, producing ascertainable results.

1. In the free States the general movement is due west,—from New York, for instance, to Michigan and Wisconsin, and from Pennsylvania to Ohio. From Maine and New Hampshire it goes principally to Massachusetts, from the other New England States more to New York than elsewhere: but natives of all are found in the free north-west States in large numbers. The middle States are also represented there by an aggregate of 758,020, in addition to which they interchange very extensively with each other; the people of the small States, particularly, going to the great cities of their neighbours. The emigration from the northern Atlantic States into the six north-western States amounts to nearly 1,200,000. And so strong is this passion for motion, that the West itself supplies a population to the still further West. Ohio sends 215,000 to the three States beyond her; Indiana retains 120,000 from Ohio, but sends on 50,000 of her own; Illinois takes 95,000 from Ohio and Indiana, and gives 7,000 to young Iowa; and that State, though not twenty years redeemed from the Indians, gains nearly 60,000 by the restlessness of the three, and, in its turn, breaks over the too feeble barriers of the Rocky Mountains to supply Utah and Oregon with 1,200 natives of Iowa.

2. The native emigration from their central slave States follows the same general law of a due westerly movement: but whether governed by the wish to escape from slavery, or by what other motive, it takes also a partial north-west direction into the free States. Maryland, Virginia, North Carolina, Tennessee, and Kentucky, furnish 360,000 of the native population of the north-west.

3. The movement in the planting States has been mostly within themselves, taking a south-westerly and westerly direction from the older lands of South Carolina and Georgia, to the uplands of Alabama and Mississippi. The emigration from South Carolina alone is nearly 68 per cent. of the white population remaining within her borders.

4. The American-born population of Texas comes principally

from the slave States, that of California from the free States, and that of the territories more from the free than from the slave.

5. It appears from a study of the course of both emigrations, that they mainly benefit the belt of country above described. New England loses nearly 400,000 of native population; but the foreign elements reduce the actual loss to 92,000. The middle States lose 600,000 of native population, but have so large a foreign addition, that the balance-sheet shows a gain of nearly 414,000. The central slave States lose 600,000 natives; the foreign emigration reduces their actual loss to 400,000. The planting States and Texas gain 300,000, of which nearly 200,000 are native. The north-west gains 1,900,000, of which 1,330,000 are native.*

It is apparent that the political influence of the emigrant is greatly exaggerated. If three or four hundred thousand uneducated peasants, unused to govern their own affairs, and much less acquainted with affairs of State, were annually transferred to the United States, placed in communities by themselves, apart from the influence of more intelligent minds, left without schools, cultivation, or capital, to raise themselves as best they could, and admitted nevertheless to the dignity of citizenship, and to a share in administration, it would be irrational not to fear the result. But we see a process quite the reverse going on. These ignorant beings—ignorant, indeed, some of them are, and thickheaded and obstinate—are taken by the hand on arrival, and sent, not into the forest, but into a more thickly populated country than the one they left, with towns as large as any in Europe except the two capitals, with schools better than any of the same grade here, maintained at the public expense, with work enough for everybody, skilful and unskilful, and with better educated persons than themselves to tell them what to do. They labour constantly with Americans, their children sit daily side by side with American children, reading from the same books, playing the same games, and learning to think the same thoughts. Mr. Treemenheere in his excellent work complains that all history in the public schools is ignored except that of the Republic, and gives us a list of twenty-one questions prepared for the examination of candidates for admission to the high school of Lowell, all of which refer only

* To reach these results we have in each case ascertained the total number of natives from the particular section resident in the Union, and from that have deducted the total free native population residing in that section, or *vice versa;* the result shows the loss or gain by emigration.

to events connected with the American continent. We are not sure that the honest clergymen of the land of the Puritans have not been found guilty of a profound policy in this. The child of the English or Scotch machinist in Massachusetts, of the German or Irish labourer, of the French or Italian artisan, in New York or Philadelphia, learns with the language and the institutions, the history which tells him the greatness of his new country; and, forgetting that he ever had another, he feels with a pride, that even Lord Palmerston might envy, '*civis Romanus sum.*' If the first generation is never quite denationalised, the second is transformed by this process into very good Yankees. The fathers, too, soon get a little property (for there is plenty of labour and little pauperism), and thenceforth are identified with the stability of their new country; and by the time they become citizens, they have some just sense of the dignity they acquire, and of the responsibility it entails.

The same fact removes all apprehension of a disproportionate increase of Papal power in America. The Roman Catholic population being so completely identified with the older States, and impregnated with the spirit of their institutions, any pernicious influence from that quarter will be impossible. We hear often of the power of Jesuitism in America, and of the spread of Catholicism in the valley of the Mississippi; but the facts in the census indicate no such thing.* We are assured by those best able to judge, that so far from fearing the undue influence of the Romish Church, its conservative influence over the emigrants within its pale is regarded with favour. The Americans have a sufficient protection against the inroads of any sacerdotal despotism in their healthy English-born institutions, in the spirit of free inquiry which they have inherited from this country, and, above all, in their free schools, at which four millions are educated—one-fifth of the free population.

The schools of the States have been made patent to English eyes during the contest concerning the various educational systems proposed for adoption here, and they certainly seem to answer the demands of a state of society bearing little resem-

* There are in the Union 36,011 churches of all denominations, affording accommodation for 13,849,896 persons, of which only 1,112 are Roman Catholic, with accommodations for 620,950. In the lake country and valley of the Mississippi, out of 13,661 churches, accommodating 4,891,002 persons, only 551 are Roman Catholic, accommodating 276,291.

blance to this. Indeed, in all the comparisons between the two countries, the fact of the great social difference is lost sight of. The similarity of political institutions, from the municipal parishes to the national legislatures,—the community of language, literature, and of ancestry, so far as the Americans can get a tombstone and parish register acquaintance with their ancestors in England,—the common elements of wealth,—the resemblance, and, in the main, identity of pursuits, are pictured glowingly by after-dinner orators, when the wine has mellowed the heart. Long may both nations remember these things! And far distant may the day be when the difficulties arise which philosophy teaches us they engender. But there is another side of the picture, less dwelt upon, and equally true,—the vast social gap between an old country, with a cultivated artificial society, founded on great landed possessions, and a new country with no aristocracy, unless we give that name to the feeble remnant of colonial families overshadowed by recent wealth, or to the expiring gentility of the 'Southern 'Chivalry.' The British merchant labours, accumulates, buys land, is made a peer in the second generation, and is identified thenceforth less with the town than with the country. The American merchant accumulates, invests in stocks and city lots, perhaps becomes a member of Congress, dies, and leaves his property to his children in even portions. In a generation or two it is scattered, and his poor descendants begin to climb the ladder anew. The inhabitants of no neat rural village point with pride to his well-stocked parks and wooded drives. He may have a cottage on Staten Island, the banks of the Hudson, the Delaware, or the Schuylkill, or he may amuse himself with dilettante farming in Dorchester. But the non-producing landed proprietor, identified for generations with the soil, is unknown in America. The 'people,' owning each his little farm, or his house and garden, take the management of their own affairs into their own hands.

The public schools are the legitimate offspring of the social status, and return to it no small share of the stability which it enjoys. They were established in New England, at the settlement of the country, for the education of the children, and the conversion of the Indians. About the time that the wearers of black doublets and steeple-crowned hats, who fled from oppression here to establish a Calvinistic despotism, whose influence still draws down the chins of their descendants,—about the time that they re-enacted the Mosaic code, penalties and all, with marginal references to chapter and verse, they partitioned the public land into parishes, on the English system, and

assigned a part to the commonage, a part to the Church, and a part to the schools. In process of time the common land has generally ceased to be pasturage, and is, in many places, planted with trees, and made into public walks; the Church fields have disappeared with the State organisation; and the portion assigned to the schools has been absorbed in the settlement of the country, and exchanged for the right of general taxation,—which right, as the sum to be raised is determined each year by each town for itself, and as suffrage is nearly universal, means the right of the poor to educate their children as they see fit at the expense of the tax-payers. The system has been extended from New England more or less through the free States, and works to the satisfaction even of the property-holders, who must be sometimes heavily mulcted by it. Mr. Tremenheere, for instance, tells us, that in a town near Boston, 'the whole real property of which is valued at only 500,000 'dollars, not less than 17,000 dollars were expended last year 'in the erection of five new school-houses, besides the ordinary 'expenses of maintaining their three grammar and two primary 'schools.' Boston pays $15.42 per head for the children educated in her schools (free for all without charge); New York, $10.62; St. Louis on the Mississippi, $9.50; and Cincinnati on the Ohio, $6.37. These taxes are cheerfully submitted to by the property-holders, who require no argument to be convinced that, without education universal suffrage would be destructive to political liberty, to social virtue, and to property on which both must lean. They feel that the schools are essential even for the native children with American homes, and doubly so for the foreigners, sometimes with worse than no home at all.

Thus the moment the emigrant arrives and is settled, he and his children are cared for. He finds persons on the pier waiting to employ him, and he pockets at once his four shillings a-day; or if he be ill, there is a hospital to receive him, where skilful surgeons and kind nurses minister to his wants. Schools say to his children, 'Come to us and be taught;' and they go. It was found some years since, in a manufacturing town of Massachusetts, with a population nearly one-third of which was Irish, that of about 3000 children between the ages of three and sixteen, only nineteen were not attending school somewhere, and that sixteen of the nineteen stayed away because they had no good clothes; clothes were given, and the non-attendants reduced to three. The proportion throughout the Union is not as large as this; but yet large enough to change the character of the whole foreign population. There is no greater mistake than that the characters of nations and races are unchangeable: leading

minds mould the popular will to their pleasure. Catholic England under Henry VII. became Protestant England under Henry VIII. The freedom of Arragon died under the heel of the Inquisition. Louis XIV. was troubled but once in his reign by the spirit of a free parliament. Can there be a greater contrast than between the ages of Elizabeth and Cromwell? or of Milton and Congreve? William III. made the English noblemen Dutchmen; George IV. beau-Brummelised society; and the present Court of England has set an example of purer and more refined manners. In the same way the character and purposes of the emigrants are changed. They are fashioned by the influences which surround them, and in the second generation become completely identified with the country of their adoption.

Mr. Tremenheere objects that no provision is made for religious education. In the United States such a provision would be the sacrifice of the system. The children of a million of Irish Roman Catholics attend the public schools and strive for the honours they give; the clergy of that denomination are placed by popular suffrage on the committees chosen to superintend the schools and prescribe the course of education; only on the implied understanding that the religious education shall be left to other hands. We cannot believe, in spite of Mr. Tremenheere's fear to the contrary, that the community which takes such care of the secular education,—which provides one grade of schools for the infants, another for those who have crossed the Rubicon of knowledge and are battling with its elements, another yet higher for those who are preparing for the ordinary duties of life in the humbler middle classes, and one still beyond, fitted with libraries of elementary books and with scientific apparatus, where the studies of the University even may be pursued by the humblest child, free of cost,—would make no provision elsewhere for religious instruction. It is just to add, that the schools we have in view as we write are in Massachusetts, and have attained a degree of excellence beyond those in other States. But the West will not be long behind the East in this respect. Mr. Tremenheere's work, although pretending to be no more than a sketch, gives an excellent picture of the working of the system throughout the Northern States, accompanied by the impressions it created on an intelligent mind of conservative tendencies. If we do not agree with him in all his conclusions, he himself furnishes us with reasons for differing. We gather from him that the schools of Pennsylvania and New York are inferior to those of New England, and that the average attendance is decidedly

less. But it also appears that those who have charge of them are alive to the deficiency, and are using every means to repair it. We close our remarks on this subject with a short extract concerning the schools of Connecticut: —

'Any one from England visiting those schools would be also greatly struck with the very high social position, considering the nature of their employment, of the teachers, male and female; he will observe with pleasure their polite and courteous bearing, of such importance as an example of good manners to the children; he will admire the complete order, quiet, and regularity, with which the whole system of instruction is conducted, by the exercise of mild, temperate, and generally speaking, judicious authority; and he will perceive how great an amount of elementary secular instruction is given to those who stay a sufficient length of time to derive the full benefit of the opportunities of improvement then afforded. And I must confess that he will be likely to feel it as a just subject of reproach to his own country, that her very tenderness and zeal in the cause of religious truth, her very apprehension lest in her desire to attain an acknowledged good she may be betrayed into a step fraught with evil — or, to descend to lower ground, her religious jealousies and animosities — should interpose to keep all education, both secular and religious, from the minds of tens of thousands of our fellow-citizens, at a time too, when secular education is more than ever needed as a means of temporal prosperity and advancement, and when socialism and a vast and dangerous flood of "revolutionary litera-"ture" of the worst kind, is occupying the ground left bare for its reception by the absence of all culture, secular or religious. How long, it may be well asked, is the Government of this country to be paralysed by sectarian jealousies? and to what further extent are the very foundations of religious truth and social order to be undermined, while the dispute rages as to the best method of preserving them?' (Pp. 57, 58, 59.)

The provisions for the mental health of the emigrant are rivalled by those made for his physical. In their efforts to prevent intemperance, laws are passed in some of the States more arbitrary than the decrees of the most absolute European Government, prohibiting—without always preventing— the sale of intoxicating drinks. To keep him clean, aqueducts, exceeding in magnificence, expense, and profuseness of supply those whose ruined arches bridge the Campagna, bring pure water to his door, and force him to take and use it by assessing a compulsory rate upon the house he occupies. Unfortunately filth, ill ventilation, and dense population are the accompaniments of vice, and too often of poverty, in large towns. Crime always tries to hide its head in such burrows. The cities of America are not without their vicious population, dwelling in haunts not unlike the *terra incognita* of Whitechapel, whose impurities

and wretchedness, occasionally revealed for a moment by the picture of a passing visitor, astonish us at their fearful contrast to Pall Mall and St. James's. The 'five points' of New York, as it formerly existed, with its three tiers of underground apartments, and its dancing-room under the street, where black, white, and grey mingled in impure orgies, was equal in its way to anything within the jurisdiction of Scotland Yard. The 'Old Brewery' was only two or three minutes' walk from Broadway, within a stone's throw of Stuart's Marble Palace, filled with the richest fabrics of the world, the terror of husbands and papas. It is now removed, and a charitable institution occupies its place. But as long as the weeds of vice grow in the human heart, dens of infamy will exist in large towns, which the philanthropist can improve but not eradicate. The Americans have taken the first step towards cleansing these places by supplying them freely with water. The 'Cochituate Aqueduct' brings water twenty miles from one of the pretty lakes that dot the surface of Massachusetts, and distributes it in every street and alley of its prim metropolis. The magnificent 'Croton Aqueduct' of New York was built by the city at a cost of nearly 3,000,000*l.* sterling. The Croton river is brought fifty miles in a covered channel of masonry and granite, and rolls into New York over a bridge whose lofty arches would span the shipping, if there were any, on Haarlem River. Every house in the city contributes by rates towards its support, and has the option of taking it for those rates. Water has consequently become a necessity among high and low. Bathing rooms in chambers, and water cocks, with hot and cold water, in every room, are found in the Bowery as well as in the Fifth Avenue. The receipts have not yet equalled the interest on the debt. In a few years they will; and in a few more will become a profitable source of revenue to the city. Philadelphia is still more fortunate. A dam thrown across the Schuylkill, at her very doors, drives pumps which deliver water on the top of Fairmount, by the river's bank: from hence an unlimited supply is distributed over the city. We can testify to the correctness of Mr. Tremenheere's description: —

'It is rather tantalising to one who leaves London in the beginning of August, to find himself in ten days in cities across the Atlantic, where bath-rooms are almost as numerous as bed-rooms, in every private house of any pretensions to the comfort that even a moderate competency can command, and where the purest of water is let in at the highest habitable part of every building, in unlimited quantity, and for a most moderate payment. It is somewhat amusing, too, to

see the Irish maidens in Philadelphia (in their usual vocation of housemaids there, as elsewhere) tripping out in the early morning, upon the broad brick foot-pavement, and screwing a small hose of an inch in diameter to a brass cock concealed under a little iron plate near the kerbstone; then, with an air of command over the refreshing element, directing a copious shower against the windows, shutters, front door, white marble steps, elegant iron railing, green shrubs, small and much-cherished grass plots, heavy blossomed creepers hanging on neat trellis-work, and, finally, upon the grateful acacias, or the silver maple, or the catalpa, or the acanthus, or the mountain-ash above her head. Next advances a graver character, whose business it is to "lay the dust." He drags after him a snake-like hose some fifty feet long, one end of which he has screwed upon the stop-cock fixed to a post by the side of the pavement, while from the brass pipe of the other end, which he holds in his hand, he throws a strong jet over the street, and a considerable distance beyond the point at which he has arrived when he has come to "the end of his "tether." He then removes the screw end to the next cock, which is at the proper distance to enable him to reach, by the jet from the hose, the point where he left off.'

Other cities, great and small, make similar provisions. In the manufacturing towns, also, the streets are generally broad, and planted with trees, and the houses built with reference to the comforts of the occupants. The same may be said of the residences of the poorer class throughout the country. In New York, for example, if the portion, occupied by the wealthy is less metropolitan, and the streets narrower, worse paved, and dirtier than those of most European capitals, the houses of the poor and the emigrant are more spacious, better ventilated, better provided with water, and cleaner than those occupied by similar classes here.

The 'Modern Exodus' ceases to be a wonder in view of these things; we are only astonished that, like the Exodus of old, famine and pestilence were necessary to it. The Irish peasantry fled before the scourge of 1847, not singly nor by families, nor by villages even, but by whole districts; and yet two must have fallen where one escaped to a foreign shore. The priests in some places say that they ceased almost to minister, except to the dying, and that their services have been little wanted since by the bride. Liverpool was crowded with emigrants, and ships could not be found to do the work. The poor creatures were packed in dense masses, in ill-ventilated and unseaworthy vessels, under charge of improper masters, and the natural result followed. Pestilence chased the fugitive to complete the work of famine. Fifteen thousand out of ninety thousand emigrants to Canada in British bottoms, in 1847, died on the passage or soon

after arrival. The American vessels, owing to a stringent passenger law, were better managed; but the hospitals of New York and Boston were nevertheless crowded with patients from Irish estates. The attention of Parliament was called to these things, and an Act somewhat similar to that of the United States was passed, which has done much to prevent the recurrence of such misery. The number of passengers is restricted, the space to be allowed to each, the size of the berths, the character of the decks, the quantity of provisions and water per passenger, are all prescribed by the various Acts; and it is made the duty of the Emigration Commissioners to enforce the law.

Under these Acts the Irish emigration has grown into a systematic and well-conducted business in the hands of persons who receive the wanderers at Liverpool from all parts of Ireland, even from Sligo. The main movement, however, is from Cork, where they arrive by car or rail from the southern and western counties, and are thence transported to Liverpool in steamers, to await, at their own expense, the sailing of the vessel. When a number are about to leave, the whole village — the old (above sixty) against whose free emigration the passenger laws of some of the States interpose impediments; the well-to-do, who have no need to depart; the beggar whose filthy shreds cannot be called a covering; the youngest children even,—gather in a tumultuous group about the car holding the smiling faces whose happy lot it is to leave for ever their native land. With the wildest signs of grief for the departing as if for the dead, with waving of hands, beating of the air, unearthly howls, tears, sobs, and hysterics, they press confusedly around the carriage, each one struggling for the last shake of the hand, the last kiss, the last glance, the last adieu. The only calm persons in this strange scene are the subjects of it all, to whom this moment is the consummation of long hopes and many dreams, who have talked of it and sang of it (for the songs of the peasantry now dwell upon it), till it has become a reality.

Before going on board the ship at Liverpool they are subjected to a strict inspection by the medical authorities, and the same persons examine the medicine chests to see that the vessel is properly secured against maladies.* They are then put on board

* In 1847, before the passage of the British Act establishing medical inspection, the mortality was 17½ per cent. of the embarkation. In 1848, it was less than 1 per cent. It is claimed by the advocates of the Bill, that it produced this result. We are inclined to think that good food and the absence of pestilence has more to do with it than medical examination. Within the last six months, the

the first vessel of the line sailing after their arrival; and we have the authority of Mr. Hale for saying, that they sometimes cross and land without knowing her name. When on board they are assigned to certain berths, their chests are hauled into the little compartments, opening on the deck, in which their berths are situated; they are furnished with cooking-places for the preparation of the stores which they take in addition to the ship's rations, the messes are made up for the voyage, the pilot takes the ship below the bar, search is made for *stowaways*, the pilot leaves, taking with him all secreted persons whom the search exposes, and the waters of the Irish Channel are breaking against the bows. There is even less sentiment in this parting than in the former; little of the regret so natural in leaving for ever the land of nativity. That comes later, when, in full employment, with plenty of money, a clean comfortable home, a tidy wife, children at school, and the old folk and the brothers and sisters brought out, Pat tells the Yankees of the jewel of a land he left behind, and wishes (the rogue) that he may just lay his old bones once more there before he dies. There is no such feeling when the ship sails — not a wet eye, not a sigh, not a regret — all is buoyant hope and happiness.

The German emigration has also been greatly stimulated by the same system. It comes from all parts of Germany (possibly at present more from the Rhine, Wurtemberg, and Prussia, than from Bavaria, where obstacles are now thrown in the way of it,) and from Switzerland even, and is managed by commercial houses in the North Sea ports, in Havre, in London, in Liverpool, and in New York. The Dutch have little to do with it; their ships are employed in their own commerce and in the British trade with Australia. But the Germanic free towns, the British-American houses in London and Liverpool, and the American houses in Havre, whose ships do not carry out so bulky cargoes as they bring back, have embarked largely in it. Agencies of these various houses are established throughout Germany (every August tourist knows them by the big eagle, and shield with thirteen bars over the door), who are charged to collect the wanderers at some convenient point, — say Mann-

cholera has raged with great severity in ships that had been carefully inspected and pronounced to have a good bill of health. Sometimes it would appear the second or third day out, sometimes at the end of a week or ten days. When the wind blew from the south, it would rage with violence; when it veered to the north-west it would almost or entirely disappear, and perhaps the vessel would come into port without a case on board. Neither the presence nor the absence of disease in this virulent form can be attributed to a sanitary measure.

heim for the Rhine and Danubian country, and Bremen or Hamburg for the centre and north, — where they pass into the hands of the contractor, and thenceforth have no care over themselves. A part are paupers sent by the Governments of Baden, Bavaria, Hesse, Wurtemberg, and Switzerland. But we are assured that these bear a small proportion to the whole. 'I have known,' writes one well-informed gentleman, 'hundreds of German families who have taken 'out with them to the United States sums of money varying 'from ten to forty thousand florins each family. It may be 'admitted as a fact that out of twenty German emigrants, 'nineteen take out with them to the United States money 'enough to enable them to establish themselves in the inland 'States.' We confess we had supposed that the pauper emigration bore a larger relative proportion to the voluntary. The latter moves generally in families, and often by villages. Accompanied thus by their clergyman and their doctor, and loaded with quantities of useless farming and household utensils, which they bring with them at a great expense and discard on arrival, these simple agriculturists leave the dreary stone houses which served as a home for their cattle, their horses, and themselves, and as a storehouse for their produce; bid good-bye to the heavy tower and bright bulbous dome of the venerable church; take a last look at the fields which have so long borne linseed, and wheat, and maize to them and their fathers; and set out joyfully on their voyage. Or, if they be mechanics and tradesmen (and the Hamburg statistics return 71 per cent. of the emigration of 1852, and 48 per cent. of that of 1851, as of these classes), they are still more content to go to a country where they anticipate ready employment and high wages. And if they be paupers, they certainly have nothing to lose by the change. Many are doubtless doomed to disappointment; for some of the town labour is overdone and ill paid — the ever-oppressed needlewoman for instance — even in energetic America. But we are credibly informed that they are gradually taking possession of many of the branches of industry in the large towns, as they can work and live for less than the Americans. They take leave of their country with a little more sentiment than the Irish, but yet without sorrow. The legends of forests which yield them no bread, and of mountains from whose vineyards no wine is pressed for their lips, the memories of the grass-grown streets and decaying fountains of Augsburg, the departed greatness of Nuremberg,—

> 'Quaint old town of toil and traffic,
> Quaint old town of art and song,'—

the dull magnificence of Berlin, the Anglified elegance of Dresden, the small-beer architecture of Munich, even the national waters of the 'wide and winding Rhine,' and the old Germanic glories of Cologne, are little to them at the moment of leaving for the land of plenty. The same want of capital, and of an active, energetic middle class, to stimulate industry and make a division of labour, which has produced in Ireland the voluntary emigration of its best labourers, is causing the same results in the centre of Europe.

At Mannheim, or Hamburg, or Bremen, or wherever it may be, the emigrants surrender themselves and their fates to the shippers who contract to take them to New York; but not before a careful Government has seen that their comfort and health have been reasonably provided for. And, in truth, they require some looking after, for they and their luggage are generally in too filthy a state for a sea voyage. They are then brought to the sea-shore, from whence they are either shipped directly to America, or to Havre, to London, or to Liverpool, by way of Hull. Twice as many sail from Bremen as from any other continental port. Next in rank is Havre, which they reach under charge of agents, either by rail from Cologne, or by steam from the northern ports. Hamburg, Antwerp, and the English ports, all take large numbers. Fifteen or twenty thousand came to London last year to take passage hence for New York. Whoever crossed from Rotterdam within the year probably saw from one to three hundred of these people in the forward cabin, principally young men and women in the vigour of life, with their children. After passing the Brieille or the Helvoetsluys, he lost sight of them during the day. The women were below ill, from the unaccustomed motion of the vessel, and the men were either ministering to them, or were lazily stretched on the piles of Dutch produce which lumbered the deck to the tops of the paddle-boxes. When the sun had sunk behind the purple horizon, and the tranquil waters of the usually turbulent ocean began to reflect the rays of the moon breaking through the clouds, he probably saw these not very tidy men and women creeping up from below to breathe the fresh air; and before long the harmony of a trained chorus, singing the songs of the Danube, the Rhine, or the Elbe, struck his ear. If he were curious to know more of them, he would have found, on inquiry, that they were peasants from Bavaria, or Baden, or Nassau, or Westphalia, or Saxony; or artisans from the towns of the Rhine and the Central States. He would have observed that, though untidy even to filthiness, they were by no means poor, rude, or absolutely unlettered. Their music

alone would have told him of a certain amount of cultivation; the gold upon their persons would have satisfied him that they were not without means to take care of themselves; and the Bibles distributed in the various families would have shown him their sense of the importance of those treasures which neither moth nor rust can corrupt, and which thieves cannot break through and steal. If he felt disposed still to follow their fortunes, he would have seen them landed in London; and after going through the necessary formalities at the Custom House, transferred to a boarding-house at Wapping, under charge of the agent, to await, at the contractor's expense, the sailing of the vessel. He would have seen them subjected the next day to the examination of the health officer; and then, going on board the vessel, he would have found that they were comfortably provided for in the manner which we have already described. Thus cared for without trouble to themselves, surrounded with friends and old neighbours, and provided with plenty of tobacco, he must have left them convinced that they would make the voyage with little risk of serious illness or death by the way, and with as much comfort as the unusual necessity of keeping clean would permit. Or if, to follow their fortunes still further, he had taken passage with them, he would have witnessed himself the comfort and harmony of the little community on the voyage, and would have seen its members on arrival taken in charge by the Commissioners of Emigration, and either supplied with work in some part of the country needing their services, or sent to colonise the West.* And he

* The Emigration Commissioners of New York are charged with the distribution of a large fund annually raised from the emigrants. It appears by the report for 1853, that they received 'commutation 'money' on 284,945 emigrants during the year, being 16,047 less than in 1852. The fund at their disposal during the year amounted to $594,464, of which they expended $586,859; $122,135 went to counties in the interior, and $214,077 was on account of the great Hospital at Ward's Island in the East River off New York, which accommodates 3000 patients; 20,197 were temporarily relieved by food, money, &c., 24,317 temporarily supplied with food, board, and lodging, 271 sent back to Europe at their own request, and 14,334 supplied with situations at the Intelligence Office, conducted by the Commissioners. This office was once put to a use little contemplated by its philanthropic founder. A farmer came in in search of a servant girl. A buxom Irish lass presented herself, bundle in hand, to go with him. One of the clerks jokingly said, 'she would make 'you a good wife.' The farmer thought the same, proposed, was accepted, sent for a magistrate, and was married on the spot.

would probably have admired the wisdom of the machinery which quietly, humanely, and profitably transports nations from regions where want makes them anarchists, to a country where, if demagogues would let them alone, plenty would soon turn them into conservatives.*

It would be interesting to inquire the probable effect of this shifting of population upon the old world. If the movement had been confined to redundant labour, the result could be nothing but beneficial. But in Germany we see agriculturists of property and artisans of skill emigrating by tens of thousands; and in England the pioneer pauper migration is dragging a better class after it, by an annual remittance of a million and a half sterling. The movement to America has not yet made any material impression upon the manufacturing districts. That it will cannot reasonably be doubted. Nearly one-fifth of the population of the manufacturing State of Massachusetts is of foreign birth. The gold fields of Australia also tempt from a life of unceasing toil the men who, by industry and foresight, have accumulated enough for the passage. Whether this efflux will equalise the rates of wages on the two sides of the Atlantic remains to be seen.

It cannot be denied that Ireland has been purified by the purging. But what a picture the story presents — a fertile country, with a healthy climate, but with a deficient stock of capital, renovated only by the loss of young and strong labourers, whose work was valueless at home. They find occupation enough in America, and become in time industrious, peaceable, and comparatively temperate and money-saving citizens. Their old habit of abusing England sticks to them; but, fortunately, wind is plentiful in their adopted land, with no law to forbid it blowing where and as loud as it listeth; and the ill temper finds vent in expletives, not always in the best taste, but which wise people set down at their real value.

Whatever the effect on Europe, the great emigration must benefit the United States. We have already said that we do not share the fears of those who see destruction to the Republic in this increase to its numbers. No country was ever made worse by an addition of healthy labourers, while there was work

* It would repay the curious to inquire how far the existing democratic element in Germany has been created by the correspondence of the emigrants with their native land. The Irish are less speculative than the continental people, and being more under a controlling religious influence are not so much tinctured with sentimental democracy.

for them to do, and heads to direct them. The United States are emphatically in this condition. The native population is shrewd and intelligent, and has shown itself abundantly capable to direct the foreign element. That element, in return, proves one of the greatest resources of the State, furnishing it with the thing it most needs — labour — to develope its resources, to put down its fixtures, to open its ways for transportation, to subvert its virgin soil, to uncover the hidden wealth of its mines, to run its spindles, to hammer its iron, even to trim the sails of its ships, and to work the engines of its steamers. 400,000 creators of wealth now arrive annually in the United States, the men generally in the prime of life, the females even more so. Out of 245,000 persons arriving at four ports in 1850, 32,000 only were under ten years of age, and 22,000 only over forty; being less than one-half the proportion of native inhabitants under and over those respective ages. They are consequently strong, capable of much work, less liable to mortality, than the natives, and with a greater proportionate power of reproduction. It would be absurd to doubt that in the course of time they will affect the so-called Anglo-Saxon race in America. But it is yet too soon to measure the character or extent of their influence. We do not think they will essentially modify the constitutional institutions and educational systems it has established, which they learn, in a single generation, to respect as their own.

So, too, it would be idle to suppose that this supply will never be greater than the demand. In the natural course of events the United States will become thickly populated, great fortunes will accumulate, capital will become more plentiful than now, and labour will be less sought for, and consequently less paid. Doubtless also the European emigration hastens that time. But it is yet far distant, and will continue so while land is as abundant and as cheap as now. Notwithstanding the rapidity of the settlement of the West; notwithstanding the amount of land taken up by speculators; notwithstanding the profuseness with which the public domain has been granted by Congress, 1387 millions of acres remain unsold and unappropriated — six times the whole amount alienated by the Federal Government during the present century; and probably two-thirds, at least, of the amount alienated is in the market at a price not much above the Government rate. With such a quantity of land at five shillings an acre, capable of being brought into production the first year, there is no necessity for an unhealthy overplus of labour; for it not only attracts population to the West, but also keeps down the price

of farming lands in the East, where the principal markets are. With the exception of tracts close to the large towns, farms in New England sell now at about the same rate at which they did in the beginning of the century. In Massachusetts, even, the average value is 6*l.* 10*s.* per acre for the freehold; and in Maine, New Hampshire, and Vermont, it is less than in Ohio. It is greater in Michigan and Indiana than in any southern state except Louisiana. While the present state of things can be maintained, no probable annual addition to the country by emigration will affect the labouring classes unfavourably.

It is plain also, that if the emigration continues as at present it will soon give the North a greater preponderance in the nation; but we do not regard that as a source of future weakness, rather of strength. There is no sympathy between the foreign labour and the slave labour to make the North and South immediately antagonistic. On the contrary, the emigrant seems to have an inherent antipathy to the black, and allies himself as soon as he becomes a citizen to the political party supposed to have Southern tendencies. The past shows that the dangers to the American Union have come, and are to come, not from Northern but from Southern increase. The Missouri contest grew out of Southern annexation, and the supposed dangers in 1850 had their origin in the desire of the South to impose slavery upon the free soil of California. The North has never required political stimulus to aid its growth, nor has its advance been marked by accessions of territory. It is the slave power which took to itself Florida, Louisiana, and Texas, which grasped after California and New Mexico, and which now wants Cuba. A gradual and peaceable increase in the industry, wealth, and population of the North, which shall give to it at length, without annexation or war, an incontestible preponderance in the Union, will be submitted to by the South, with scarcely a consciousness that it has taken place, and will perhaps check the thirst for acquisition, which, if unrestrained at home and unopposed abroad, may sow serious dissensions, and threaten the existence of the Republic.

Under the stimulating influence of this cause the industry and resources of the United States have made an almost fabulous advancement. We had purposed to show its effect upon the principal branches of the national wealth, but are prevented by the unexpected length to which the subject has carried us. The tonnage of the country increased in the ten years ending in 1852 from 2,000,000 to over 4,000,000, the imports from 100 millions of dollars to 213 millions, the customs from 18 millions to 45 (yielding the Federal

Treasury an annual surplus of 15 or 20 millions). The cotton crop increased in the ten years ending in 1850 from 800 to 1000 million pounds; the rice crop from 80 to 215 millions, and the sugar from 155 to 281 millions; the wheat from 77 to 100 million bushels, and the maize from 400 to 600 millions. The potato alone, blasted by disease, sank in production. Thirteen thousand miles of constructed railway, and as much more in progress, all built by emigrants' hands, are opening up the rich, but before unsaleable, lands of the West, bringing their cheaply produced bread stuffs and choked-up mineral wealth to Eastern markets. Of cottons the Americans now manufacture three times more in value than they import, and the export of their own manufactures is two-fifths of the foreign importation; and their woollen manufactures exceed the imports of similar articles as three to one. In all articles of clothing, in carriages, furniture, materials for house decoration, books, paper, iron utensils, agricultural implements, hand tools, they are substantially independent of all other countries, and in the coarser cottons they are not only independent, but have become exporters to compete with British fabrics in South America, Africa, and Central Asia. There can be little doubt that they will advance to the manufacture of more delicate fabrics. The country is full of skilful designers from the Continent, who will not fail to impress their taste upon the national productions, and give them a currency throughout the world. Side by side with this the mineral wealth of the country will be developed. California had yielded 50 millions sterling by the close of 1852. Other mining interests had been less prosperous. But the high prices of iron and coal are opening the Pennsylvanian furnaces; and emigration, favoured by joint stock companies in New York and London, is finding its way to Lake Superior, where the pure copper lies in masses six feet in thickness, and weighing from sixty to seventy tons. These important results merit a more extended notice, and are full of suggestions for the future.

With such an unexampled growth in material prosperity, we are not surprised to see the conceit natural to the English race swell into a sometimes undue proportion in the Transatlantic branch of the family, and make Jonathan foolishly long to thrust his fingers into all kinds of political pies. Within the half century he has removed nearly all the Indians from the east to the west of the Mississippi, planted them on the sources of the Arkansas and the southern branches of the Missouri, and provided them with schools, missionaries, fields, and money; marching beyond them, he has invaded the territories of the Sacs and

Foxes, and pitched his camp in the hunting lands of the Sioux; the scouts of his forces have penetrated the fields of the Pottawotomies and the Kanzas, and his army of emigrants, following in their track, has crossed to the Pacific, established itself there, and opened a constant communication between it and the Atlantic. He has brought his commercial marine to the second, and nearly to the first rank in the world; he has made his country the principal cotton and a permanent corn-growing state; he has covered it with a network of railways; he has founded a manufacturing power, which begins to compete with the wealthy and skilful establishments of Europe; he has discovered boundless fields of coal and iron, of lead and copper, and has possessed himself of rich tracts of gold, which enable him to open and use them all; he has increased his family sixfold, and his annual income fifteenfold, and finds few paupers on his estates except those sent in by less fortunate landlords; he has built houses and barns, and planted fat orchards and rich corn-fields for his family, and has founded schools and educated teachers for his children. What wonder that he feels a little pride and more conceit!

These fruits, however, though great, are entirely material; and if the energy of a free and vigorous people is to end in money-getting and the worship of Mammon,—if a fevered struggle in a business city is to be the object of the young men's life, and the reputation of wealth their ambition,—if arts are not to gild, letters soften, and the love of country pursuits chasten social life,—better would it be for them, when there are no more fields to be subdued, and when unemployed hands shall be stretched out for bread, that they had never risen from the cradle of their political infancy. In the rapidity of their 'development' the Americans have had little time for the elegant idleness of European society. Every man's shoulder has been wanted at the wheel of the social car. But now wealth, cultivation, travel, and the leisure afforded by emigrant labour, are producing higher results than mere material prosperity. The possessors of money are learning to love the country and its healthy pursuits. Literature has become a profession, and authors are well paid. Transatlantic sculptors have attained a European reputation, and efforts in the kindred branch of the Fine Arts are favourably known. Architects flourish among them, and have plenty to do. The national Government gives a liberal though not always judicious aid to scientific research, and publishes the results of expeditions undertaken by its directions. In this way the labours of Frémont, Stansbury, Wilkes, Owen, Maury, Foster, Andrews, and Sabine have been given to the world. The Smithsonian

Institution, founded at Washington on the liberal bequest of an Englishman, is laying a broad foundation for future usefulness. The generosity of the late Mr. Astor gave to New York the most liberally endowed public library in the world, which in the course of half a dozen years has collected together nearly a hundred thousand volumes. An eminent American gentleman, connected with the first commercial house of Europe and the world, and universally respected for his intelligence and worth, has founded a similar institution in Boston. Another well-known American merchant in London has been equally liberal to his native town in Massachusetts. In all the markets of Europe the Americans are the great buyers of scarce books, by means of an agency maintained in London by the Smithsonian Institution and by private collectors, and directed by a gentleman who is always on the look-out to secure 'rarities' for his countrymen.

It cannot be doubted that, versatile as they are, they will soon give the same attention to Art which they now give to more solid but less graceful matters. The incorporation into the community of so large an amount of emigration from continental cities, educated in the arts of design, and contributing by the pencil and the chisel to the national love of show, will hasten such a result. When, in no very distant day, the prairies of the Lake country and the valley of the Mississippi shall be peopled with fifty millions, gathered from all nations, but guided by the English race and governed by English traditions; when the slopes of the Alleghanies and the Green Mountains shall be covered with sheep, and their valleys filled with the best bred stock; when the plains of the South shall be entirely devoted to the production of cotton (let us hope without the curse of slavery); when the higher and more delicate branches of manufactures shall have taken root in Massachusetts, and the mechanical arts found a firmer stay in Pennsylvania; when the white man shall have driven the buffalo from the fields which each setting sun shadows with the peaks of the Rocky Mountains; when cities shall fringe the Pacific, towns line the banks of the Oregon, and farms dot the surface of California and the valley of the Willamette; when skill shall have subdued the mineral wealth of Lake Superior; when commerce shall whiten every lake and ascend every river of the country, and shall carry its productions to every clime; when railroads shall unite the Atlantic with the Pacific, and bring every part of this vast nation into close contact with every other; when opulence shall have given a home to Art in their cities, and Literature shall have created the traditions which they lack; — what a spectacle

may they not present to the world if, despising the allurements of ambition, and disregarding the erroneous advice of interested leaders, they are content to reap the rewards of their peaceful industry, and to enjoy the blessings which Providence places within their reach!

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ART. IX.—1. *The Russians in Bulgaria and Rumelia in* 1828 *and* 1829. From the German of Baron Von MOLTKE, Major in the Prussian Service. London: 1854. 1 vol. 8vo. pp. 476.

2. *Marmont's Turkish Empire.* Translated, with Notes and Observations on the Relations of England with Turkey and Russia, and brought down to the present Time. By Sir F. SMITH, K. H., F. R. S., of the Corps of Royal Engineers. Second Edition. 1854.

3. *The Russo-Turkish Campaign of* 1828 *and* 1829, *with a View of the present State of Affairs in the East.* By COLONEL CHESNEY, R. A., D. C. L., F. R. S. London: 1854. 1 vol.

THE struggle which commenced with the Turkish declaration of war against Russia has assumed such proportions, and become so thoroughly European in character, that at times we are almost tempted to forget the party principally concerned. As we have ourselves gone to war with Russia, and assumed all the responsibility of the issue of the quarrel, the attitude of Turkey before and since the first outbreak of hostilities, has ceased to have the primary interest it possessed in the autumn of 1853. Yet we cannot forget that during the first months of the campaign, and even since the note of preparation was sounded in this country, a certain section of politicians possessing a very considerable following among the public, sought to alarm us with predictions of the sudden advent of the enemy at the gates of Constantinople. We were told on the contrary by another party, perhaps not a very influential one, that if Omar Pasha, at the outset, had not been hindered in his projects by the Allied Governments, he would have had no difficulty in establishing himself at Bucharest, or indeed in driving the forces of Prince Gortschakoff back across the Pruth, without foreign assistance. On the one side we were given to understand that the patient we were called in to assist, was a vigorous man of middle age, who had parted with none of the strength peculiar to that time of life, on the other, that he was the veritable 'sick man' of the Imperial correspondence.

The exaggerated character of either opinion might be considered sufficiently apparent, after a cursory examination of the events of the present contest. It might be supposed, conviction had arisen on the fact, that Russia is not altogether a victim of the inherent weakness assigned to her at one time by Mr. Cobden, and that Turkey, although displaying signs of age, is not absolutely sunk in the feebleness of decrepitude. Without exactly agreeing in the glowing panegyric of Lord Palmerston on the internal resources and self-acting power of renovation, we cannot but be certain of the presence of a strong vitality, in the empire of the Sultan. Without slavishly following the later deductions drawn by Mr. Cobden from what we must be at liberty to call erroneous premises, we may take for granted, that in a prolonged struggle, the Porte must have inevitably yielded at last to the reiterated assaults of the Czar, if that Power had been left single-handed, to meet so great an antagonist. Such is the very ample justification of the Government for cautious negotiations, the carefully drawn conventions with Allies, and rigid attention to proper formalities in affairs of vast importance. There was no immediate demand for instant action, but Turkey could not be left without assistance, if Russia showed a determination to persevere. For the time Turkey could be trusted to her own resources, and means were taken for securing efficient aid to her, if ultimately necessary, on the safest and broadest grounds.

It would appear however, that what has passed lately before our eyes, has not sufficed to modify the extreme views above alluded to. Government has been taxed with supineness, with incapacity, and by some wild interpreters of events with collusion, for not having anticipated the rupture with Russia; for not having performed acts of war, when we had no war upon our hands; for not having warded off disasters incurred by the Porte in consequence of faith in the declarations of a Power, with which we were at peace. We should have hardly thought it worth while to refer to these attacks, the injustice and the failure of which are so apparent to the unprejudiced, but for the belief that they have obtained a certain value, and have carried a certain weight, where there has not been sufficient information, to counteract erroneous opinion. The operations of the Black Sea fleet, and more particularly the tactics of Admiral Dundas, have been criticised in a most unfriendly and impatient spirit; and the latter, as a professional man, has had an early experience of the fate to which all British commanders are doomed, unless they grasp and secure brilliant victories like ripe fruit, immediately after an outbreak

of hostilities, or as in this case, even before such an event. That such impatience and bitter criticism are not to be ascribed to mere factious intention and party-spirit, we are quite willing to admit. On the contrary, it is beyond doubt, that a large portion of it is prompted by an intense wish for the success of the cause nationally espoused, and a strong patriotic feeling for the national honour. A necessity of action being assumed for the furtherance of these two objects, obstacles of execution vanish from the minds of those who are not concerned in it, and the natural advantages of position, the experience of former wars, the physical and moral qualities of those we are bent on assisting, the great difficulties attendant on the progress of the enemy, are alike overlooked; or, if not overlooked, put aside in the heat of argument, as things of little moment, and hardly bearing on the question.

In the history of the campaigns of 1828 and 1829, we have the requisite information. This explains the course of the war, as prosecuted until the date of the armed intervention of the two Powers. Perhaps we shall be excused for calling the attention of the reader to that, till lately, almost forgotten struggle. But an apology is hardly necessary, as a glance at the events of those years may be more conducive to an adequate estimate of what has been done, and what can be done now by the belligerents, than perhaps even a zealous attention to the accounts of partial correspondents, and the reasoning of public writers, on events the facts of which may be still in want of confirmation.

The Russo-Turkish Campaign of 1828 and 1829, described by the Freiherr Von Moltke, Major on the Prussian General Staff, is a work of great value, whether it be considered as a scientific military memoir of the transactions he treats of, or on account of its strict impartiality. It is impossible to trace a feeling of superior favour for either Russian or Turk; and after perusing the book, we rise with the satisfaction, of having travelled professionally with a professional man, who has been influenced by little except the study of his profession. If there be something of the dryness of the military report, there is also its exactness and freedom from bias. Such a merit is great in any case, but in this one of Russians and Turks, after our late experience of the value of their reports, it is indeed inestimable. An excellent translation of this work, which has recently been published, renders it accessible to the English public.

At the opening of the campaign of 1828, Turkey stood absolutely on the brink of ruin. Exhausted by a contest of six years with the Greeks, — her fleet destroyed, — an army half

organised according to the new fashion introduced after the destruction of the Janissaries, — without an ally — she stood alone, apparently but to receive the *coup de grace*. The force put in movement by her antagonist was about 100,000 strong, after making due allowance for the difference between paper strength and effective strength. The Russians organised, disciplined; moving with certain obedience and unmitigated devotion to the will of the Emperor: the Mussulmans exhibiting an absolute contrast, and echoing the words of the Sultan: — 'Gather up 'thy spirit, for Allah knows we are in great danger.' Might it not have been supposed, with some show of reason, that the Russians would have had little but a summer's march across the Balkan?

But there were elements of strength then in Turkey, which were formerly overlooked by the Russians, as by some of us at the present time. The Russians in earlier wars, when they contested for Bessarabia, seldom met with a check from the Osmanli, if they had an opportunity of deploying their regular infantry on open ground, without being exposed to the fury of the Turkish cavalry charge. Confident in their organisation and regularity, the advantages of which they had so often proved, they never scrupled to attack very superior numbers. The traditions of former wars were not forgotten by them; and throughout the contests of the campaigns under consideration, we see them actuated by the same spirit, and displaying a like contempt for numerically stronger forces arrayed against them, — even when the enemy, as was almost invariably the case from the defensive system adopted, enjoyed the advantages of chosen and intrenched positions.

But in one respect the Russians had mis-reckoned. They had forgotten that such simple tactics of bold attack, under any circumstances, though suitable to the certainty of operation in a plain country, might involve them in great danger in a more intricate one, there being nothing more certain, than that the more mountainous and difficult the seat of war may be, the more formidable does it become for defence, by wild and irregular troops. Under such conditions the individual man recovers his separate value, which among disciplined troops is often merged in the whole, and is lost altogether among the rabble of untaught levies, which a general may rashly attempt to deploy on flat ground, in the face of a more instructed soldiery. The Russians were quickly undeceived; — what promised so fairly in the outset, became daily more arduous. Unforeseen impediments presented themselves: detachments to cover or mask various points were necessary; difficulties arose in providing the troops

and horses; in short, obstacles of every kind rose up around them. The delays and sluggishness of the Turkish administration caused but apparent danger to the Porte, and time was gained to garrison fortresses, to raise levies, and organise a rude but tolerable system of defence. Every day increased the numbers of the Turkish army, and added something, however slight, to its efficiency.

To understand the difficulty of the Russians, it is necessary to take a glance at the country they were invading. They commenced with the occupation of Wallachia, extending their right flank to the neighbourhood of Kalafat, as was done by Gortschakoff during last autumn. To this no opposition was made. The Wallachian fortresses had been dismantled by the Turks after their final defeat in Bessarabia. They had determined, and wisely, not to undertake the defence of any line beyond that of the Danube. It may be assumed, that no river ever yet stopped a resolute general. But the Danube presents great difficulties, and after it is crossed, the strong places on the right bank, on the line of operations, must be either invested or taken, before the grand obstacle of the march to Constantinople across the Balkan can be attempted. This great stream, after cutting through the chalk mountains which stretch from north to south between the Carpathian and the Balkan ranges, is altered in character. Instead of a narrow channel full of rapids and encumbered with rocks, we have a broad flowing river, intersecting thick alluvial soil, and passing through a valley nearly a hundred miles in breadth. In Little Wallachia, as far as the Aluta, the country is traversed by ridges, the spurs of the high mountains; but this region, as well as the wide extended plains of Great Wallachia, must be considered in general as flat. The banks of the Danube display a marked contrast. That of Bulgaria, from Widdin downwards, is every where high and steep, and often completely commands long reaches of the river. The Wallachian bank, on the contrary, is marked by a low shore and wide swampy meadows. The branchings of the streams form many marshy islets, and at seasons of high water, the adjacent country is constantly flooded. As the traveller proceeds downwards, he finds the islands larger and more numerous, the meadow flats wider and more swampy. After Rustchuk no firm ground is found on the left bank, till the spot in front of Turtukai is reached. Opposite to Silistria a good road from Kalarash to the Danube is always open. At Brailau, for the first time the left bank becomes important. Below Isaktchi the river breaks through the Delta in three arms, of which the Sulina, the only one navi-

gable by vessels of much draft, is from one hundred and fifty to two hundred paces broad. In the vale country, the force of the stream averages about two miles and a half in the hour.

To any one considering the character of the Danube carefully, the difficulty it affords to an invader, and the advantages it presents on the right bank for defence, must be apparent. There it is high, precipitous, and firm. On the left there are but a few points in the line of operations of an invading army on which troops can be assembled. These points are for the most part guarded by fortresses or temporary entrenchments, as is the case at Turtukai. It is, as lately shown at the last-named place, difficult to force them in front without a combined movement from the left flank, by the march of a force up the right bank thrown across the river lower down. We in consequence observe, that the invader has been always obliged to carry his first passage of the river towards its mouth, which is too far removed from the Turkish centre of a system of defence, formed on Silistria, Varna, and Shumla, to be held strongly. This was done in 1828, and again lately by General Lüders, the operation on both occasions requiring much forethought and previous arrangement, and entailing a certain amount of bloodshed; but on neither occasion could a doubt be entertained, as to the success of the Russians, Isaktcki and Matschin being usually held as outposts. Other causes for selection of the first passage of the river at this point, are the facilities afforded for bridging, and the advantages conferred by the neighbourhood of the Pruth, the Black Sea, and Galatz.

Before quitting this part of the subject, we should consider the line of the Danube held by the Turks, not only for purposes of defence, but also as a base whence to advance against an enemy. It is evident that an army having occupied such a line, sacrifices the advantages of position by a general forward movement. The communications before so easy, and to the eastward of Nicopolis so concentric, would now depend on the strong occupation of every point, by which the lately invading army might have threatened to cross. In case of reverse and retreat, it would be necessary to destroy the unity of the force, by dividing it into various and diverging columns, to be directed on these several points. The necessity for the nicest combination to ensure them from destruction in detail is apparent. Such delicacy of manœuvre would require the steadiest troops, and the most experienced commanders in the wide Wallachian plains, where a numerous hostile cavalry would be very dangerous to them. The *entrain* and spirit of a force of such character as the Turkish levies would suffer by the knowledge, that general

safety depended on reaching in time the isolated points, where the passage could be effected. In such case the enemy would have no difficulty in forcing the river in pursuit of the retreating battalions, and in all probability many of the river fortresses would be yielded shamefully. The line of a river may be maintained in the first instance with success by an irregular army, which when engaged amidst the dispiriting circumstances of retreat will sometimes vanish without a struggle, at the first appearance of their pursuers on the opposite bank. The plan of defence therefore, adopted by the Turks in 1828, and by Omar Pasha in the present war, was the only wise course to adopt.

Let us suppose the Danube forced, and the Turks obliged by circumstances, still to remain on the defensive, debarred from action in the open field. The invading general must now narrowly examine his maps. He has a range of mountains before him, not very high, but affording only a few passes, of which the most practicable are hardly suited for military purposes. The celebrated Hills, separating Roumelia from Bulgaria, after running due east dip suddenly on the Black Sea. Westward at the sources of the Jantra and Tundscha the summits are clothed with snow in June. Thence towards the east the elevation does not exceed 5000 feet as far as the source of the Kamtshic, and as the eastern extremity is approached, the height of 3,500 feet is rarely found. The descent on the southern side is rugged and precipitous, whilst the northern face is concealed by a system of lower hills which stretch unequally towards the valley of the Danube. The latter are often crowned with plateaux. These, in many instances, form the most admirable military positions for intrenched camps, being rarely accessible except by narrow paths, the eminences being revetted, as it were, by natural walls of rock, varying in height from ten to a hundred feet. They are in general well wooded, although they do not possess the magnificent forest trees of the higher Balkan range. On the plateaux and slopes we find a thickly set jungle of dwarf oak and other shrubs, and stretching far into the plain, an endless extent of intractable briars. Apart from the inequality of the ground, the march and deployment of troops would find very serious obstacles in the superabundant forest and jungle growth. Such is the great natural obstruction to the advance of an enemy, arising not so much on account of the height of the range as of the difficulty of access, the paucity of mountain passes, the admirable positions for defence ranged one behind another, the absence of made roads as well of those appliances of life and civilisation, to be met with in the Alpine districts of Germany and Switzerland. Without giving the names or tracing the

exact course of the passes, we may simply state that they are six number, between the source of the Jantra and the Black Sea, the three towards the east, between Shumla and Burgas, being those naturally chosen by an army advancing from Bessarabia. In the mountains there are no cross paths between the passes. In some of the valleys military communications may be maintained.

During the war of 1828 the fortresses on the river and Black Sea played a more important part than is likely to be the case during the present one, if we except Silistria. Though imperfect in design and of insignificant profile, none of them dignified with the denomination of regular fortresses, they sustained lengthened sieges or investments, and reduced the Russian army almost to ruin. It has been said, and with truth, that when the Turks are in good heart their defence often becomes most obstinate, at the moment when more regular combatants will surrender a place. That which with us is considered an element of weakness, is with them one of strength. The larger the number of the population of a town, exclusive of the garrison, the longer and more tenacious will be the defence. In the smaller fortresses, where the soldiery has not been aided by the people, it has been rarely respectable. In those of more considerable area, in which the crowd has taken arms, the garrison have found themselves reinforced by men as capable and as willing as themselves in defending the tottering walls.

On the 8th of June of 1828 the Russians crossed the Danube, near its mouth, at Satunovo, and within six weeks of that time had taken Brailau on the left bank, never afterwards restored, and had penetrated so far, as to be in the centre of the triangle formed by Silistria, Varna and Shumla. On the 20th of July a resultless action was fought, after which an attempt was made to invest Shumla; we say an attempt, as the means at the disposal of the Russians were never sufficient to command the roads in the rear, and at no time was the Turkish communication with Adrianople interrupted. Shumla is the ordinary point of assembly of the Turkish army in a war against the Russians. It is backed by a chain of mountains which encircle it to the north, west, and south in the form of a vast crescent, and has on the eastern front a marshy ravine which empties its waters into the Kamtschic. It is only accessible from the east. The extensive slope of the hills on that side is somewhat gradual and glacislike. The upper plateau, round which run the works — a position intended as it were by nature for an intrenched camp, — the group of hills, of which it forms a part, being separated from the Balkan range by the valley of the Kamtschic — is elevated above

the Bulgarian plain from 600 to 800 feet. The town is built in a confined and low valley terminating in steep ravines. It is quite open. The lines of the intrenched camp run along the crest of the hill glacis to the left from the height of Strandscha, to the right leaning on that of Tchengell. These lines overtop Shumla to the north and south, and they have been carried in some parts on the verge of the steepest precipices, where they are of no use, and present the appearance of an aqueduct. They are of earth-work, and have a narrow but deep ditch. Their extent from Strandscha to the heights of Tchengell is about 8000 paces, and there is ample space to cover completely an immense army.

The few roads by which an enemy can approach are defiles many miles long, terminating in a few difficult paths up the wall-like rocks, where there can be neither combination of the different arms, nor deployment of masses. But the height of Strandscha is vulnerable. It possesses revetted forts, but is by no means secure against assault. If the summit of that height be won, Shumla can no longer be held. It is only accessible on that part, and from the marshy raviny nature of the ground approach is not easy even in that direction. It is said in some quarters, that Shumla has gained a greater reputation than it deserves. The Turks have already experienced that it could be turned by a determined adversary, after Varna had been taken. But its position, not only on the direct route from Rustchuk and Silistria, but also at the head of the valley which debouches on the Gulf of Varna, must, until the fall of the latter, give it a first-rate military importance; and in any case, as will be shown hereafter in allusion to the campaign of 1829, utterly disconcert a Russian commander, however successfully he may have turned it, and have actually reached Adrianople by communicating with the Black Sea.

The Russians, in their extreme confidence in 1828 tried their hands on Shumla, thinking thus to take the shortest cut across the Balkan, and secure their rear, the fortresses of Varna and Silistria being yet surmounted by the crescent. The attempt failed, though in the first instance directed by the Czar in person. From various causes of sickness, necessity of detachment, the masking of Silistria, and the investment of Varna, the Russians discovered that they had attempted an impossibility. The besieging and blockading force quickly dwindled to a less number than the enemy it sought to shut up. They soon began to intrench themselves, and to depend on lines of redoubts. At the end of July it was already evident that no favourable result could ensue. Frequent combats and surprises took place during the

following month. The assailants were decimated by exposure to the heat, and the fatigue of procuring forage from a distance, till at length, on the 10th of September, they acknowledged their defeat, by the determination of General Count Wittgenstein to convert the so-called investment into a mere process of observation, and to concentrate his troops in Seni-Bazar. Had the Turkish commanders displayed at that time but moderate activity, there would have been an end of the Russian *corps d'armée*. The grand vizier advanced from Adrianople with 14,000 picked men, but he did no more. The Russian division, which, during the months of August and September had been in a most critical situation, was in consequence saved from destruction by his apathy and supineness.

The siege of Varna had been commenced in form by Prince Menschikoff on the 6th of August. The Russians, masters of the sea, were promptly assisted by their fleet in the conveyance of troops and stores of all kinds for the siege. In the actual prosecution of the operations, the shallowness of the harbour of Varna prevented much advantage being gained from its presence, beyond the strict blockade, and interruption of communication with Constantinople. The town had an old Byzantine castle, which was used as a powder magazine. The principal enceinte, having a circumference of about two miles and a quarter, is an earthen rampart, without much command, connected with the rocky precipice jutting on the sea to the north, and running round Varna to the Dewna river. It was flanked by ten small bastions, the faces of which were pierced for two guns, and the flanks for one. The curtains, owing to their narrowness, did not admit of guns; the ditch was small, wet at the eastern extremity, otherwise dry; the scarp and counterscarp revetted with brick-work; in the front of the rampart there were scarcely any permanent works, not even a covered way. Three lunettes had been hastily thrown up 500 paces in advance of the west front, and an intrenchment 1500 paces from the north side of the place.

It is not easy to conceive a more imperfect *place d'armes*. Yet in this the Turks managed to maintain themselves till the 10th of October, and it would not have fallen then, but for the same cause which saved the force under Wittgenstein after the failure before Shumla,—the incredible apathy which distinguished every Turkish commander during that war, excepting two or three in command of fortresses. The Czar, believing that the relief of Varna would be strongly attempted by Omar Vrione, who had been detached by the grand vizier from Shumla for that purpose on the 24th of September, caused him to be attacked on the

heights of Kurtepe. In vain the Russian commander alleged want of means to assail a numerous enemy in a strong position: the order was peremptory. The previous skirmishes had been bloody and damaging; success could hardly be looked for. A furious attack was made; the Russian soldiery displayed an ardour and discipline under extreme difficulty which have never been surpassed, and suffered a loss of 1400 men; but the object was not obtained; Omar Vrione maintained the heights; the Prince of Wurtemburg was compelled to retreat. The former had it in his power at once to relieve Varna; he would make no effort. For a fortnight he was within sight of the place, allowing the Russians quietly to continue their assaults and contemplating the defence of the garrison. At length, the example of Jussuf Pasha shook the firmness of the garrison. They surrendered on the 11th of October; Omar Vrione, as he richly deserved, was then beaten back by the besieging force, which he had abstained from molesting, when he could have done it with so much ease and advantage.

During this campaign, the investment of Silistria, owing to bad management and want of troops, consequent on such varied operations, was a failure from beginning to end. With the fall of Varna the campaign came to a close. The eastern part of Bulgaria had thus fallen into the hands of the Russians, who occupied the position between Shumla and the sea. This was the sole result of the long and uninterrupted campaign of three months, posterior to the passage of the Danube, and, as it has been observed, was the consequence of an apathy so suspicious, that we must refer it to treacherous intention. But for this cause the Russians must have retreated from Varna, as they did from Shumla. The whole object of their undertaking would have been missed. As it was, they were brought to the verge of calamity, by the mere force of inaction on the part of the Turks. For that can hardly be called a systematic scheme of defence, of which the only apparent feature in the conduct of the commanders, not in command of besieged fortresses, was the most apathetic sluggishness, which abandoned places to their fate when almost the raising of a hand would have saved them; which refused to seize the advantage when it had been won, through the overweening confidence and rashness of the Russian autocrat. But the truth is, if there was not treachery, the traditions of former wars were against the Turkish leaders, and they knew that science failed them. They believed more in the skill of their enemy, than in their own capacity for resistance. Their energy died within them. There was a marasmus of their vital power. This fatal disease was ultimately spread among

their followers. When they were not under its influence, at the first sieges of the war, at Brailau on the left bank of the Danube, at Varna, at Silistria, and in many of the skirmishes and battles, their bearing was good, and often heroic. During the early part of the second campaign they still merited praise. Their defence of Silistria, from the 17th of May till the 29th of June, in 1829, was admirable. It was certainly a great feat of arms to defend the place for six weeks; for the ramparts were insignificant, the flanking defences so indifferent that it was possible to look into the fortress, and to enfilade the greater part of the curtains; while permanent outworks, with the exception of those connecting the city with the Danube, were altogether wanting. The ditch did not exceed from eight to ten feet in depth, and could not be flooded, the bottom of it being above the level of the Danube. On the day that Silistria was invested, an attempt was made at Eski Arnautlar, by Reschid Pacha, to turn a Russian position, and the advantage apparently remained with the Turks. He retreated, after an engagement which had lasted for fifteen hours, but halted on a spot from which, his left flank being in connection with Shumla, he threatened the Russians with renewed attack. It was but a threat. The fight had been a very bitter one, and had been so energetically conducted by the Moslem, that it reminded those present at it of the impetuosity of the old Turkish onslaught. At the great battle of Koslewtcha, in which Field-marshal Diebitsch commanded against the Grand Vizier in person, on the 11th of June, the attempt being made to cut off the latter from his camp at Shumla, the same impetuosity was visible for a time. But quickly came the reverse, and the Turks, who at the commencement of the assault had shown the boldest courage, displayed, when pressed back and reduced to defend themselves, a most craven spirit. The army was broken up, and lost in the woods. The Russians could not make prisoners amidst the pathless forests; and in the course of a fortnight the remains of the Ottoman host were again assembled at Shumla, not much reduced in numbers, but henceforth useless as an army. Their patience and fortitude had now utterly vanished. There was a race of pusillanimity and folly between leaders and soldiery. Such however, was the difficulty of the country, so great the impediments to the advance of troops, to the provisioning of them, the establishment of hospitals for the sick and wounded, that when, by admirable skill and boldness, Field-marshal Diebitsch found himself at Adrianople, after a campaign which had lasted from the 17th of May till the 20th of August, there having been a pause of a month in the operations after the battle of Koslewtcha, he

was convinced that nothing but speedy and unmolested retreat could save the remnant of his victorious army. Rustchuk, on the Danube, and Shumla were still held in his rear. An army of irregulars threatened his right. His forces, so feeble in numbers when he adventured on his undertaking of the passage of the Balkans (under 20,000 men), were losing hundreds daily from sickness. By skilful demonstrations, by carefully masking his real condition, by acting on the fears of the Turks and their surprising ignorance, and perhaps in some instances with the connivance of a section of the negotiators at Constantinople, headed as they were by Baron Müffling, he succeeded in securing the terms of a conqueror instead of incurring durance as a prisoner of war. But this was owing to the genius of the man, aided by the infatuation or the treachery of his opponents and their advisers. The time and the circumstances were favourable to him; but if a lesson on the obstacles in the country in which he had operated may be learned by any means, it must be in the consideration of the fact, that the Russian army of 70,000 actual combatants which began a campaign in May, its flank secured by the Black Sea, the operations of which were conducted on the most strictly scientific principles, their base running parallel to, and having been secured by the fleet before the field was taken, —an army which, from first to last, never met with a reverse, the *morale* of its enemy being for the time utterly lost, was, in September, in a position of difficulty, whence it could alone be rescued by a subtle diplomacy. No term but that of rescue, can adequately convey the idea of its happy extrication from a situation of almost overwhelming peril.

As is said by Von Moltke, 'If the difficulty of crossing 'the Balkan was formerly much over-estimated, the result of 'the campaign of 1828–9 has caused many persons to imagine 'that it is no impediment. We must not, however, forget that 'in that year the mountains were not defended at all.' Yet it is calculated, the loss of men by death was, in the Russian army, about 60,000 in number; that one-seventh of the original force returned to tell of the glorious campaign, of which the grand feature was the passage of the Balkan by a detachment of the former. As an instance of the dreadful mortality in the Russian ranks, we give two items, officially authenticated— viz. in the general hospitals: from March to July, in 1829, 28,746 deaths occurred among 81,214 patients; and of the 6000 men left sick at Adrianople, on the retreat of Diebitsch, 5,200 died. In one word, the army had been annihilated, though it had never met with a check.

After this brief consideration of the difficulties of an invader

of Turkey coming from Bessarabia, exemplified by the actual experience of a struggle prosecuted on the same ground, with everything in favour of the Russian, we may now approach the subject of the present war, and appreciate more fully what are the prospects of the contest under the different circumstances. In 1828 Turkey was single-handed, without a fleet, and with hardly more than the skeleton of a regular army; indeed, it may be said, of any army. In 1853, when she issued her declaration of war, she was backed by powerful allies—she possessed fleets and armies. Although neither of the latter may bear comparison with those of the Christian Powers, they have decidedly shown, since the commencement of the contest, that they are not untrustworthy. In 1828 the Black Sea was a Russian lake; since the affair of Sinope it has been closed to Russian vessels. In 1828 and in 1829, the Black Sea was the real base of the hostile operations. It may be averred, that the Russian invasion of that period was almost a naval one. There can be no doubt the main strength of it lay in the active proceedings of Admiral Greig's fleet, which victualled the army, was constantly employed in ferrying over stores, siege trains, and detachments, and forereached on the land movements so much, as actually to seize Sizepolis on the 15th of February, 1829, or three months before Diebitsch was in a condition to commence operations. The map shows the importance of such a position, to the south of the eastern extremity of the Balkan. But for the possession of the seaboard, the Russian general must have been contented with the siege of Silistria, and another attempt to blockade Schumla, which would have probably ended in failure in the autumn of that year, as it did in that of the preceding one. A Russian army advancing now would have an incredible train of guns, ammunition, food, and hospital stores to drag painfully along in its rear. What the difficulty of conveying such heavy trains over plains without roads, and rugged mountain passes, was sufficiently understood by Diebitsch and his lieutenant, General Roth, when they found themselves frequently obliged to cut their paths as they advanced, such labours not being disturbed by the panic-stricken enemy. And the number which effected the passage of the Balkan was under 20,000 men, and unincumbered with more than a few days' provisions, and without siege guns.

Under the present circumstances, if we suppose the campaign to have been as favourable to the Czar in this year as it was in the earliest part of 1829, as regards Silistria, no Russian forward movement could have been successful, unless, in despite of natural obstacles, Omar Pacha's army, the remaining for-

tresses on the Black Sea and the Danube, and of the Allies, the Czar had succeeded in placing at least 100,000 men in Adrianople, well provided with stores, which could not come from the sea, well provided with an enormous train of artillery, every gun and shell of which must have been dragged by main force across the mountains, and well provided, until he reached the plains of Roumelia, with a perfect and amply supplied commissariat, which a Russian army never yet possessed. We really believe that, even unopposed except by the difficulty of the country, he could not have succeeded in placing a force there sufficiently strong for self-protection, during a short campaign, against such means as would have been now brought against him, under many months from the date of passing the Danube. For he must have been prepared to operate with large armies, where Diebitsch inspired abject terror with a slender and sickly detachment.

The different position of the Czar in 1854 as compared with that of 1829, when his successful operations conducted him so near to disgrace and disaster, is worth consideration. As before stated, the Black Sea, then his own, is closed to him. Odessa, but lately the granary of his forces, has been bombarded, and mourns over a ruined trade. His army, now engaged in Asiatic Turkey, must depend altogether on Tiflis, and what may come thither from the Caspian Sea by way of Derbent. The labours of Prince Paskiewitsch in the previous war have been wasted. The communication then so laboriously established with the Black Sea, to facilitate the arrival of stores and troops by a more convenient line than the mountainous routes of Georgia, is no longer of any avail. In this respect the Russians are thrown back a hundred years. We observe that, in the regions where these extensive affairs are now to be carried on, the armies will be operating on lines removed at a great distance from the central basis whence come their supplies. The forces in Wallachia, and directed against Bulgaria, must lean on Bucharest, which is fed from Galatz, whence, with great labour and expense of land carriage, the ammunition, stores, and reserves must come. And in the conduct of the war on the Asiatic side, the like supplies have a still longer and more circuitous road to travel over.

To the great change effected in the Czar's position by the allied occupation of the Black Sea, the most effective and practical testimony was the voluntary destruction and abandonment of the coast forts. Defeat had commenced before a shot was fired, and there was actually retreat. It was a commencement of relinquishing the object of twenty years of war with the Circas-

sian tribes—the fond desire of connecting all the provinces of Russia which had been gained since 1774—the object of imperial consolidation, of preparation for further progress. To sum up in a few words. Russia is put on the defensive—Constantinople is not only safe, but the Balkan can neither be reached nor turned. A Russian advance is now out of the question. The idea of invasion must cease altogether. Russia must everywhere look at home.

It is not easy to arrive at anything like an accurate statement of the present strength of the respective armies, Turkish and Russian. But of one thing we are certain. The former is better trained, better armed, and more numerous than it was a few years back. The artillery is acknowledged to be admirable, and we do not hear of any complaints except among the wild levies of Asiatic horsemen. It would appear that the numbers at present actually disposable by Omar Pasha, are about 120,000 of regulars and irregulars, in which are included the garrisons of Widdin, Varna, Kalafat, Silistria, and Adrianople. The force at Shumla may be considered as that held ready for field operations. When actual hostilities first broke out, the Turkish army laid along the line of the Danube did not, according to the calculations of Colonel Chesney, much exceed 70,000 men. Since then, Omar Pasha having increased it to about double the number, has been able to throw sufficient garrisons into the strong places, retaining under his immediate command, and concentrated at Shumla and Pravadi, an army about equal in strength to that, with which the autumn campaign was commenced. The outlying divisions which retreated before the advance of General Lüders in the Dobrudscha, in March, are included in this array. We may fairly suppose that the *morale* of the Turkish forces generally is very different from what it was. When standing alone against the Czar, they could not but feel themselves wanting in the balance. Such difference of feeling alone, there being corresponding causes for depression in the hostile ranks, is almost equal to another army. We hear of confidence in the commander Omar Pasha, and, making every allowance for distance and exaggeration, of general good conduct of the troops before the enemy. There have been no damaging defeats on the Turkish side. The first actions of the war were decidedly favourable; and, considering the slow progress of General Lüders after he forced the passage of the Danube, the loss incurred being about equal on both sides, we must, even in the early period of the war, consider the merits of the combatants to have been about on a par, whatever may be our opinion of the strategical combinations of the commanders in

chief. The retreat of the Turks on their main body appears to have been deliberate and dangerous to the invaders. It could not be asserted anywhere, except in a St. Petersburg journal and in a Russian church, that a positive advantage had been gained. It was clearly not so considered by the Turkish commander, who proceeded quietly with his arrangements of putting the defences of Shumla, Pravadi, and Varna in order, in his concentration of troops on the intrenched camp at the first of these places, and in the discipline and organisation of his army. It seems to us, judging from a distance, that he has not shown himself wanting in forethought. He has adhered to a system of defence which was carefully considered and arranged in its details. He has turned to good account the time sought to be gained by the Czar in the long-protracted negotiations with the Western Powers.

If delay in the declaration of war by the allies of Turkey was advantageous to the enemy in the outset, the advantage has been in great measure lost by the determined countenance held on the Danube, the opportunity so afforded for military organisation, and the confidence infused into the Turks. Omar Pasha has thus gained time for Government nearly to double the numbers in the ranks, and has inspired the world with the belief —and doubtless the whole Mussulman population—that the time has not yet arrived, when Fate has decreed the submersion of the Turk under the Russo-Greek. To this may be attributed the failure of the many attempts of the enemy to excite disaffection in the provinces to his left and rear. We sometimes hear from military travellers, lately returned from a hasty visit to the Ottoman Empire and the seat of war, very depreciatory comments on the Turkish soldiery, the rude organisation, the want of strict discipline, and those external complements of a soldier, we think so necessary in our more regular armies. We are perfectly willing to admit there is a very great difference, but we are by no means sure it is greater than we have a right to expect, or that it is so deplorable, or so pregnant with dangerous results, as may appear to some of our military reporters, whose experience has not been gained among Orientals, and perhaps in some instances, does not extend beyond the neatness and precision of parade tactics. Our own opinion is, that at present the Turkish army—believing, as we do, that it is in good heart, and has faith in those by whom it is now backed—may be safely trusted in a war of Positions, but that it would be unwise for the commanders to hazard it alone in campaigns, in which combinations and manœuvres would be necessary, requiring exactness of discipline in the force at large,

and strict punctuality, unswerving obedience, and devotion to detail among the subordinate commanders. As in the case of other Orientals with whom England has been in the habit of dealing, the war of Positions is that which would seem most germane to the military genius of the Turk. As long as he was a conqueror, this of course could not be so; but with fading energy, relaxed military system, and the corrupting influences of belief in predestination, which is no longer vivified by a passion for Propaganda of a faith, he has lapsed into that mode of making war, which ever precedes ruin and defeat. For an age he has not felt that he was 'going in to win.' To use the language of the ring, he has only been able to distinguish himself as a 'glutton 'for punishment.' We conceive, that the military reforms have not gone sufficiently far, or at least, have not yet been sufficiently stamped with the seal of success, for us to doubt, that until the troops of the Allies come fairly into the field, it would be safe for Omar Pasha to depart from the Fabian system, which he of all men must know to be most favourable to the army under his command, while by steadily adhering to it, he has paralysed the Russian forces during a campaign of eight months' duration. At the top of a hill, or behind a difficult river, he is dangerous in the extreme. A rash exposure in the plain, however superior might be his numbers—an advantage by no means certain or even probable, if we consider the many strong places he is called on to garrison, would entail certain present defeat, and a very serious complication of the disorders of his suffering country. Yet we would remind our military critics, that for such purposes of position and defensive war as we have indicated, the Turkish regulars, and even irregulars, are by no means bad troops, and are probably in many respects very superior to the enemies we have been accustomed to meet in our Eastern provinces, whose prowess in combat and endurance in war English generals have not been slow to acknowledge.

According to the testimony of Von Moltke, who wrote so long ago as 1845, the only fortress of those taken and ruined by the Russians in the previous war, which had been rebuilt, was Varna. He did not approve of the plan of the new fortifications, but it may be presumed to be considerably stronger artificially than it was at the time of that memorable siege. Silistria, even if neglected till the last passage of the Pruth took place, must have been put into a respectable condition, as shown by recent events. Kalafat and Turtukai, though partaking but of the nature of field-works, speak for themselves. Shumla was permanently strengthened by the erection of roomy mas-

sive barracks, hospitals, and magazines. The walled forts of Strandscha, Tchally, Fehdai, and Tchengell were also renovated and improved. The heights above Pravadi on the road between Shumla and Varna, the importance of which was so well appreciated and applied by the Russians before, have been fortified. It was this position, seized and held subsequently to the fall of Varna, which enabled Diebitsch, in 1829, to devise his brilliant plan for the defeat of the Turks at the battle of the Koslewtcha, and ultimately led to the turning of Shumla on the eastern side, and the bold march across the Balkan.

We are assured Omar Pasha is well impressed with the importance of this point, and has left no means of skill untried to add to the natural defences both of that position and the approaches to Shumla. A glance at a good map will be enough to convince the reader, that the line of defence furnished by Shumla, Pravadi, and Varna must, under any circumstances, stop the march of an army 70,000 strong for many months; in short, supposing the preparations of the Allies to be only now in their commencement, that it is a sufficient answer to those who attribute omnipotence for movement, combination, and recruitment to the enemy, and sheer debility to that Power which, as yet, has not been worsted in this contest. Unfortunately, the map is not always sufficiently studied. After what has passed, it is hardly necessary to retreat with the reader to the position within twenty miles of Constantinople, where the 'march of Attila was stayed, and Belisarius de-'feated the Huns.' That which naturally occurred to the panic-stricken inhabitants of Constantinople and the able negotiators in 1829, would be waste of time under the present circumstances. But as nothing in war should be left to chance, and as it is necessary to anticipate the possibility of an enemy's success, the probability of which may be almost beyond the bounds of our conception, the Turkish Government dares not solely rely on the obstacles of the Balkan, and the possession of the Black Sea. It has been truly pointed out by Marshal Marmont and all the best authorities on the military topography of Turkey, that the position of Adrianople is one which can, on no account, be neglected. If we suppose Shumla taken, the heights of Pravadi and the eastern passes leading to Aidos held on one side, the great heights and the course of the Tundscha on the other, a hostile army engaged in traversing the range on the road from Nicopolis east of Sofia, the presence of a well-intrenched camp at Adrianople would yet be sufficient to make the invaders cry a halt. This city, placed at the confluence of

the Tundscha, the Maritza (the ancient Hebrus), and a smaller stream called the Arda, commands all the roads leading to the Balkan towards the north and east, to Philipopolis and Sofia to the west, Constantinople and the Sea of Marmora to the south. There is the position whither the forces beaten from the Balkan would naturally converge, and thence it is, that an army pivoting on its centre, would be directed on the point of real attack, while the enemy was still engaged in debouching from the passes, whether to the eastward or the westward. Marmont, so favourable to Russia, and so impressed with the idea of her invincibility, says, 'If a French and English fleet 'were to pass the straits of the Dardanelles, and arrive at Con-'stantinople, and if at the same time a corps of 50,000 men of the 'Alliance, Austrian or French, were to take up the position of 'Adrianople and establish the intrenched camp of which I have 'spoken, then the Russians would have immense difficulties in 'dislodging their enemies.' There can be no doubt of it. The force originally holding the position augmented by the numbers retreating from the mountains, could not but exceed in strength what the most successful invader would have brought with him. The peril of the latter would be indeed great. If opposed with ardour and courage, he would probably not return. So doubtless would think the Russian generals.

If it be difficult to attain proximate accuracy in the estimate of Turkish numbers, we are driven altogether to rely on conjecture when we attempt it with their opponents. There is a general belief in this country, that Russia has no more difficulty in producing a force of 200,000 trained soldiers on any given point, than a 'Wizard' in pouring a shower of bouquets out of a hat. We hear it sententiously stated that she has an army of upwards of a million; the numbers of her battalions and squadrons are readily quoted from the Gotha Almanac; and it is assumed that her vast resources of men and materiel are ever ready for the purposes of offence and invasion. Yet if we consult the history of former periods, her efforts beyond the frontiers of her empire have not been in proportion to the power so constantly asserted in words and figures; and when she has done anything on a large scale, it has been as one of a band of allies. Subsidies have been secured, her diplomacy has triumphed, her armies have been victorious. But there never has been displayed an intolerable superiority in numbers. Her course has rather been distinguished by its uniform and gradual character, by the process of slow deglutition, rather than of imposing attack. When she has displayed great armies, it has, with the solitary exception of 1814 and 1815, been in the immediate

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neighbourhood of her frontiers. Great skill cannot be denied in the management of her resources, which has made every new acquisition a base for further extension. To this, in the province of Wallachia, have her energies been applied during the last winter, yet Bucharest and Fokshani can only be considered entrepots. There is no place of manufacture for war stores in the neighbourhood, and considering the enormous expenditure now going on, the expense, both in time and treasure, of supplying such temporary depôts with munitions, guns, and recruits, must be very great, irrespective of the march of fresh divisions.

In 1835, till the moment of real action arrived, Europe and Turkey were alarmed at the tales of the immense host which was pouring into the Principalities. When the contest commenced, it appeared there were not above 50,000 men fit for duty under the command of Prince Gortschakoff. He was everywhere crippled for want of means. Since then he was joined by the corps of Osten-Sacken, said to amount to 40,000 men, and by that of General Lüders. The strength of the latter may be about 30,000 men, and we hear of more reinforcements from Bessarabia. Let us now assume that the casualties of the autumn and spring have been replaced by a military Power not likely to neglect such precautions, in addition to the corps of Osten-Sacken and Lüders. This we understand to be the meaning of the grandiloquent but somewhat uncertain expression, of 'moving the reserves,' without any exact definition of divisional arrangements or command. Including the garrisons at the mouth of the Danube, we may estimate the force employed on the line from Galatz and the Pruth, to Bucharest and the Aluta, to have been, at the outside in round numbers, about 150,000, prior to the commencement of the siege of Silistria.

We are not of opinion that it will be in the power of the Czar to increase the numbers of his army of operations in Wallachia. It will be very much, and will considerably increase our respect for the military resources of his country, if he be able to maintain that force in its present form, condition, and strength. Odessa, according to Admirals Hamelin and Dundas, has a garrison of 30,000 men. That point, after what has taken place, will not be weakened. Troops, either in the Crimea or on their march thither, cannot be diverted from their original intention. The army in Asia must be reinforced. Prince Woronzoff was already crying for more men during the last autumn, and the long lines of communication in the untamed countries of Asiatic Russia must be strictly guarded. In addition, the armies of Austria are threatening; Poland must be watched;

the garrisons in the Baltic are strengthened; the garrison of Petersburg has marched to Finland; battalions have been drawn from the interior to replace the Imperial guards; the strictest ward must be maintained everywhere. The admirers of Russia and Russian system, forgetting the difference between the power of inertia and strength for action, are apt to mistake space for force, and disseminated numbers for an expression of strong combative energy. They omit to consider, that in States, the power of executing the difficult resolves of a grasping ambition, is in exact proportion to the power of concentrating the resources of a country, whence the world is threatened with offence. That the governors of Russia know where her weakness lies, is evident enough from the pains taken to mask the resources she possesses, under every form of exaggeration and illusion, which may impose upon others. With a certain appearance of Imperial liberality to men like Marshal Marmont or Lord Londonderry, they are remarkably jealous of the visits and remarks of travellers, and they are never so well satisfied, as when they interpose a thick veil between her and the rest of Europe, leaving the latter to ruminate over her vast but unknown resources, till at length every one is infected with a panic fear, for which there is absolutely no reason whatever.

How this panic fear has affected our Eastern policy in former times, it is not necessary here to mention. No long period has elapsed since we were led into woful errors by the effects of it, and we yet deplore the consequences of those errors. We do not on this account depreciate the present resources of Russia. We are aware of the struggle we are entering upon, and of its magnitude. But we would have the simple military principle recognised, — that eccentric action for defence of world-wide frontiers, is a means of weakness, rather than of strength in a State, which from its nature is compelled to such a resort, and is the very reverse of the exhibition of inert power displayed by Russia in 1812, when the single line of attack against her was known, and the resources of defence converged and thickened, as it were, the more the invaders penetrated the country. Every attack now made on any point of the Russian frontiers, is a diversion in aid of the resistance to the forward movements of the invader, whether against Bulgaria or Asiatic Turkey, and to a certain extent diminishes his power to aid those movements. In 1828 and 1829 no diversion in favour of the Turks was possible, and then it was that Pozzo di Borgo bore witness to the imminent risk, so cleverly avoided by Marshal Diebitsch.

It is asserted, and among others by the Baron Von Haxt-

hausen, that Russia can move 500,000 men beyond her frontiers. It is hardly necessary to combat so wild an estimate, when we take into consideration for one moment the amount of the resources of Russia. In truth, those indulging in such fancies on the power of a country omit to reckon the difference between paper and effective strength, and the expense of moving troops and materiel, even after the tyrannical and cheap fashion of Russia. Baron Von Moltke, who is certainly not hostile to that country, enters into some curious calculations and statements which are worth quotation, as bearing directly on the question of the effective and imputed strength of her armies.

After detailing by battalions and squadrons the army of operations in the year 1828, he says, 'In a country where the 'maintenance of troops is so endlessly difficult, where large 'masses consume themselves, this army would have been per- 'haps enough, if the establishments had been complete in num- 'bers. According to the "State of Strength," the three corps 'should have possessed about 120,000 men. But this was by 'no means the case. In every army there is a considerable 'diminution necessary from the number of actual combatants, 'but particularly in a Russian one, in which any colonel can take 'six denkshiks as private servants from the ranks. What 'may have been the strength of the army in South Russia is not 'our business. We have only to do with the number of bayo- 'nets and sabres actually ready on the scene of action. According 'to the reports of careful witnesses at a review before the 'Emperor in March 1826, the Infantry had only thirty files 'in a company, and the Cavalry fifteen in a troop. In 1827, 'shortly before the departure of the army of operation, the 'battalions of the first and second army corps had only 400 or 'even a less number of bayonets. In June 1829 the second 'corps left Silistria with only 30 files in a company, and from '100 to 120 men in each squadron. Russian accounts, which 'give the numbers of separate divisions and corps of which the 'army was formed on various occasions, all agree in stating that 'even at the beginning of the campaign the average strength of 'battalions did not exceed 600 combatants.'

We are prepared to allow that improvements have taken place since 1829; but this statement is very important, applied as it is to a country, where as we are informed by every one, there is no check except the Imperial eye, and a host of officials, whether in or out of military uniforms, ekes out infinitesimal rates of salary by robbery of the Government. It matters little for the efficiency of the army, if the robbery be among the stores of the arsenals and the commissariat, or by the substitution of

paper for effective men: the former is probably more general than the latter, as being less liable to detection, but is equally fatal, and during war produces a like diminution of real strength.

But advantages possessed by the Czar in 1829 are possessed by the Czar still: his resolute will and the admirable devotion of those who owe him military allegiance. There cannot but be unity in council, strict subordination in execution, and unscrupulous employment of whatever may be possibly available under the circumstances of the empire, and the perils by which it would appear to be surrounded on every side. Without resorting to Russian statistics, we must be convinced that a Government and an army animated by a spirit of discipline, devotion, and obedience to which we can find nothing analogous, if it be not in the institution of the Jesuits, are exceedingly dangerous. We have a strong man to deal with, and this strong man was never yet disobeyed by his followers with impunity. He knows not what it is to be thwarted, and he has never yet tolerated the slightest opposition to his will. How far his pride and obstinacy are in the present instance buttressed by superstitious belief in his mission, as the head of the Greek Church, we cannot determine. His actions and words have a colour, showing far more than the accidental tinge supplied by a subtle diplomacy, or the impulses of an evanescent ambition. It was not to be expected that demonstrations would succeed against such a character, when argument had failed, and we must not hope for the conclusion of the contest we are now engaged in, before the strength of the man is worn down by the exhaustion of his imperial resources. A blow here, a success there, will not terminate this war. Fatigue and inanition must have been first produced.

Perhaps the bearing of individual character, and the aspect assumed by the question in the country at last at open war with the Western Powers, and in a state of unconcealed antagonism, although as yet of unavowed hostility against those of Germany, has not been sufficiently estimated among us. We have, for the most part, been unwilling to grasp the reality of the peculiarly Russian nature of the quarrel, the Czar Nicholas being the first absolutely '*Russian*' monarch since the time of Peter the Great, whose moral strength exists and is now in action during the present reign. So wrote the Marquis de Custine of Nicholas as far back as 1839.

Throughout his reign, from his very first assumption of power, when he quelled the mutinous soldiery by the terror of his eye, and the gallant but calm serenity of his bearing,

while he has shown himself to be equal to great emergencies, to meet imminent danger with instant action, he has displayed a perfect consistency with the traditional policy proper to his country, and derived from the most celebrated of his predecessors. In token of this policy, St. Petersburg has been well called a bivouac of the Imperial Camp, till the time should arrive, for its final establishment at the head-quarters of the old Greek Church on the Bosphorus. And at no time has he ever been more consistent than he is at present,—as displayed by the long patience, the subtle and far-reaching negotiations, the conversations hazarded from time to time during many years, his commencement of actual war which he declared to be no war, the use in certain documents of almost the same expressions, as those employed, at the date of the aggression of 1828; and lastly, as shown by his pertinacious resolution, when the Western Powers gave him to understand, that the resources of former times would no longer stand him in stead at the present, that on this occasion they were not prepared to wait till 'remonstrances would be too late, and Europe would patiently suffer 'what it could no longer prevent.'* That which was not very well known when De Custine wrote has been for many years a commonly recognised fact. It is one of which no secret is made, but is rather a subject of self-glorification with the Czar. Yet it was entirely overlooked lately, both in this country and in France, and is rarely if ever alluded to amid discussions on the nature of the quarrel, the chances of its duration and the probable issue of the contest. On reflection however, it will be found, that what we have most to fear is the obstinate Muscovite feeling, of which the Czar in the plenitude of his autocratic power is the great representative, for the development of which he has lived, for the advancement of which in the extension of the Greek Church and the seizure of Constantinople, the dreams of his forefathers at one time and so nearly realised in his own, he is prepared to encounter the hazards of ruin and even of death.

Until the declaration of war by the Allies, the contest between the Russians and Turks was without any very marked feature or character, except that the commander of the latter was bent on carrying out a system of defence of which previous wars had furnished him with an example. The ultimate object of the Russians beyond the occupation of the Principalities, was by no means clear. They were not sufficiently strong for a forward

* Despatch from Prince Lieven to Count Nesselrode. London, June 1. 1829.

movement across the Danube, yet they brought on the action of Oltenitza, which, if it possessed an object, was to alarm their enemy for the safety of his post at Turtukai and induce a retreat from that point. Their right was extended so far, and in such force to Krajova and the neighbourhood of Kalafat, that the Turks felt properly sensitive on their left flank, and threw up a series of works on which no little commendation has been bestowed. The Turkish sallies seem in general to have been effective, and, according to the most authentic accounts, the affair of Citate was really brilliant. From time to time skirmishes occurred along the whole line of operations, for the most part insignificant, and partaking of the nature of harassing partisan warfare, rather than affording evidence of combination on the part of the commanders. But in February it became evident that a change of operations was contemplated by the Russians. Preparations were made in anticipation of the coming events. The corps of Osten-Sacken, although that general is now at Odessa, had, after a previous announcement of many months, closed on Prince Gortschakoff. The greatest general of Russia, Field-Marshal Prince Paskiewitsch, had been appointed to the command-in-chief of all the forces employed against Turkey, and was hastening to assume the duties of his office. What reinforcements could be spared were ordered to be despatched, and it is asserted a great addition is in the course of being made to the cavalry arm, in which, reversing the case of former wars, Russia on this occasion very much outnumbers her opponents.

The passage of the Danube was effected by General Lüders late in March, without very much difficulty or risk, the Turks, who were far outnumbered, having retired without greater loss than they inflicted in return. The panic-stricken in Constantinople, and many persons in this country, uttered the rather craven cry, that, as usual, Russia was carrying all before her, that she had gained enormously by the protraction of negotiations; that even if the Allies did attempt to act, they could do no good; that it was too late; that the Balkans would be passed; that the city of the Sultan was in danger. As usual, events have proved the cry got up at Constantinople from fear, and at home by a too active, but somewhat ignorant sympathy, had not much in it. The movements of General Lüders, after his successful operations on the Danube, were slow and uncertain. He had discovered that his great difficulties were commencing after his first success had been accomplished. Amid the haze of uncertain reports of the general retreat of the Turks on Shumla, and of the Russian advance, it is evident hard fighting took place, and by no means always to the advantage of the

latter. In June, Rassova, which two months before had been announced to be in the hands of General Lüders, held its own, and a junction with his commander-in-chief opposite to Silistria, was but tardily effected. It appears that he was really worsted at Czernavoda on the 22nd of April, although more importance has been attached to that affair, both at Bucharest and at Vienna, than it would seem to have deserved.

The first orders of Prince Paskiewitsch on surveying the positions of the men placed under his command, were what was to be expected from an officer of his reputation. The radical fault of the extended line adopted by General Gortschakoff, except for the mere purpose of occupying the Wallachian provinces, and alarming the Turks by their influence in Servia and Bosnia, an object no longer compatible with the altered situation of affairs, was appreciated, and directions were instantly given for the withdrawal of the right of the Russian army on Bucharest. It will be seen on the map, that the army executing this movement moves along the chord of the great sweeping curve displayed in the course of the Danube, from Widdin to Rustchuk. The garrisons of Kalafat and Widdin were diminished in consequence, one body of the Turks having been engaged in pursuit of the retreating Russians, and another ordered to join the main body at Shumla. It appears that the outposts of the former, after carrying on a very active, and, to the enemy, annoying pursuit from the 19th of April till the 25th, have been established in the vicinity of Krajova and the Aluta, Little Wallachia for the time being again in Turkish hands. Since then an active system of annoyance has been kept up by the Turks on the enemy. The Russians also met with a reverse in the neighbourhood of Nicopolis, not one, however, of much importance. In the meantime Silistria was heavily threatened in front, and had been bombarded under the immediate direction of Marshal Paskiewitsch, preparations being made to throw large masses across the Danube, there as well as at Oltenitza. A general movement on Silistria was expected, but the execution by no means equalled in rapidity the anticipations and alarms of Constantinople. That fortress was finally invested, according to Admiral Dundas, by a force of about 80,000 men. The defence has been most gallant, the Turks having again displayed the best military qualities in their heroic struggle. The Russian attack has failed, contrary to every expectation, as the force employed in the siege is so much more numerous than in that conducted by Diebitsch in 1829. A relief could not be attempted with safety by Omar Pasha. By the end of April the British and French contingents, although as yet not complete either in guns or cavalry, were

established at Gallipoli and Scutari, and every day was adding to their strength. An active employment of them cannot be far distant. The Duke of Newcastle and Sir James Graham have both shown that a fleet of more than a hundred transports, a considerable proportion of them being possessed of steam power, is maintained ready in the Black Sea, and at the disposal of the general and the admiral. It would be superfluous to enlarge on the obvious advantages presented by such an arrangement. The British and French commanders-in-chief arrived in Constantinople early in May, and have since held a conference with Omar Pasha. The strength of the contingents under their command is now about 80,000 men of all arms. A strong depôt has been formed at Gallipoli, lines have been constructed, and a garrison will be kept there. In the same manner Constantinople will be secured by intrenchments from the Sea of Marmora to Durkos on the Black Sea. It is to be assumed an allied garrison will be maintained at the capital as well as at Gallipoli, and we shall probably see a force of about 60,000 men take the field to operate against the Russian armies, Varna being the first place of assembly of the contingents. The mosquito-like annoyance of the Hellenic Government has been quelled by the joint intervention of the Western Powers, and it will be no longer necessary for the Sultan to reinforce Fuad Effendi, King Otho having promised to cease from his intrigues. It will not be prudent to remove the pressure imposed on his Hellenic Majesty, till the restoration of peace. He has never been famous for adherence to terms, when the power, whether democratic or foreign, which had imposed them, ceased to be alarming to him. If the Montenegrins give serious trouble, we may fairly look for an Austrian movement. Omar Pasha and the Allies at present, therefore, have only to deal with the real enemy.

The task, however, before the allied generals is by no means an easy one. They have the means of locomotion by sea, but, according to all accounts, the provision of carriage to enable them to move by land is scanty in the extreme. It must be laboriously gathered from Asia Minor, European Turkey having been already swept by the Turkish levies. Eventually this great want of an army will be supplied, but time is necessary as well as money, and it is right that the great obstacle to early action on the part of the Allies should be properly estimated by the public. The concentration of the Russian troops on the border of the Bukowina will not have escaped notice. Hasty intervention on the part of the Austrian Government cannot be looked for so long as the Danube has not been crossed in force by Marshal Paskiewitsch, if even then. A heavy loss or even

check sustained by the latter might cause the immediate diversion of strong divisions from the army, the ostensible object of which is menace to Austria. Its strategical position for either purpose is admirable, and must form a capital feature in the designs of Paskiewitsch. The intervention of Austria at this juncture would be as fatal to the Russians as her conduct in 1813 was to France; but we have no certainty that she is about to merge her neutrality in action, and the arrangements of the allied generals and Omar Pasha cannot but be dictated by the immediate state of affairs. M. de St. Arnaud and Lord Raglan will perforce have to consider the army now threatening the Carpathian Passes, as part of the strength they may have to meet. The successful defence of Silistria may render their attention to these points still more urgent than before, if it should involve a still further retrograde Russian movement.

We arrive therefore, at the conclusion that unless the Russians offer battle on the Bulgarian side of the Danube, or there be a decisive Austrian intervention, we can hardly look for a great blow from the allied land forces during this year. A system of annoyance, of general threat and attack can be pursued at sea, the Circassians assisted, the remaining forts on the eastern shores of the Black Sea molested, for which operations have been now for some time in progress; but on the land, they are not so far advanced in their preparations as to admit of a strong initiative being taken. Had they only to do with the forces in their front, the case might be different, but the uncertainty of German politics forbids such a confidence. In the meantime a defensive line must be maintained, similar to, but stronger and more menacing than, that adopted by Omar Pasha hitherto. The lines of defence now are, that of the Danube; 2nd, that of the Balkan; 3rd, of Adrianople. The positions of Gallipoli and Constantinople are at present but a base whence the two last may be supplied. It is needless to forestall or hazard predictions on movements subsequent to the advance on Varna, which must be guided by the disclosure of the plans of the enemy.

The attempt was made in a preceding page to come to a rough estimate of the force under the orders of the Russian Field Marshal on the Danube. After allowing for the arrival of every corps of which we have received any information, we arrived at a result of about 150,000 men. This is doubtless a very considerable army, and whether the aggregate be something more or something less, the allied generals and Omar Pasha must consider it, as a whole, tolerably concentrated for action. These troops, since the evacuation of Little Wallachia,

may be generally directed on the line of operations between Bucharest, Kalarash, and Silistria, the objects of that line having been the seizure and occupation of the last-named place, for which the advance of General Lüders up the right bank of the Danube was a combined movement in aid.

From what has been already advanced it will have been remarked, that even under the most untoward circumstances, a serious impression on the mountain position of the Turks was improbable; but the gallant defence of Silistria, the successful defiance by its garrison of the great Russian army during many weeks, when relief was impossible, till at length the gathering of the Allies at Varna and the concentration effected by Omar Pasha at Shumla, had insured its safety, have in some measure taken all of us by surprise. We are happily freed from the alarms so widely propagated at Constantinople and even in England. Had there been ground for them originally, we could not but have seen Russian masses thrown across the Danube at whatever cost, and a formidable advance while the Allies were still at sea. In such case, as has been believed and asserted by many very respectable authorities, if Prince Gortschakoff had been 'quick,'—so ran the phrase,—he would have been in Shumla at the end of March, and the worst fears would have assumed objective form. But after our experience of the former war, to which reference has been made, backed as it has been by the tardy transactions on the side of the Russians we have lately witnessed, it is surely right to attribute the apparent tardiness to something besides the want of quickness in Prince Gortschakoff or General Lüders. The former of these officers commanded a division with distinction, under Diebitsch, in 1829, and, of all men, must be thoroughly acquainted with the physical difficulties of the country in which he is engaged, and the capacity for resistance belonging to his adversaries. We cannot but believe, either that the inaction of the Russians has formed part of a general plan, or that it has resulted from an inability to press forward, we are little prone to suspect in our enemy. Possibly something of both causes may have combined to produce what has been ground for much surprise with many of us, namely, that on the one hand, the Russian commanders were inclined to a tactic of delay by the political uncertainty which weighed so much on ourselves, and that on the other they had to overcome no ordinary difficulties in the prosecution of a forward movement. May we not believe they were jealous of placing a difficult river between themselves and their immediate base of operations, at a time when troops and generals were about to appear, whom they know to be

at least not inferior to the men they can themselves produce? We confess to such a belief. The movement of the Russian left up the right bank of the Danube, and the siege of Silistria had for us but a defensive meaning. It appeared to be the assumption of a position which, while it secured a most important *tête-de-pont*, would cause the Turks and the Allies to come and seek them on ground of their own choosing,—a considerable advantage, doubtless, but which serves to show how different is the character of the war, as compared with the last one, the onus of assault being thus thrown on those who have been threatened with invasion.

If this view of the matter be taken, we can hardly overestimate the importance of Silistria, or the advantages secured by the successful defence. An early contrary result of the Spring Campaign would have entailed in all probability the fall of Rustchuk and Nicopolis. We should then have seen three important *têtes-de-pont* in the possession of the enemy, who would have had all the advantages afforded by the river on his side. The Allies would have been encumbered with siege operations on one point, while called on to meet the forces which would have been poured on them from the others. Till very lately it has always appeared to us, that the risk and danger of the campaign were to be found in such considerations. There was the risk of the moral effect on the native population of Bulgaria, to be feared from the presence of the Russians as masters along the right bank of the Danube; and there was every probability of a long protracted campaign to accomplish that finally, which would appear to have been now successfully achieved. There was indeed a great danger, not for the Balkan, not for the ultimate safety of Turkey, but such military danger as is incurred by a vast hostile lodgment, which has its communications secured by the possession of fortified places. If Silistria had fallen now, after our hopes for its safety had been so much excited, we should not have had to deplore the grave consequences we must have looked for, had the garrison yielded to the first attacks of the Russians. The precious time had been gained which precludes ulterior advantage on the part of the enemy. We have heard it alleged, advice was given to Omar Pasha by men of high authority to abandon some of the fortresses on the ground of his not being able to relieve them, if they were attacked. It is hardly possible to conceive a more suicidal course. In war, to the party engaged in defence, delay is every thing. The siege of each fortress takes much time. Even if undisturbed, it occupies a *corps d'armée* for six weeks. If even there be but the chapter of accidents to trust to, it is generally as

well to try the virtue of delay, spun out as long as it may be. But when the arrival of a regular army, of nearly 100,000 trained combatants on the scene is merely a question of time, we are at a loss to conceive how the proposition to abandon posts of defence, each of which is an element of delay to the enemy, could be entertained by any man. Fortunately Omar Pasha saw the matter rightly, and paused to abandon positions prematurely, the loss of which now we should deplore as a great calamity.

There are ideas, perhaps rather vague, floating about on the practicability, and the necessity of an immediate joint land and sea attack on the Crimea and Sebastopol, by way, it is said, of diversion. And no doubt, were we further advanced in the great objects of the war, a very powerful diversion it would be, as the occupation of the Baltic, and the blockade of the Gulf of Finland are now. But we must not be led away rashly from the objects immediately in view; and before we practise an operation of military diversion, or entertain the idea of it seriously, we are bound to examine very narrowly the conditions under which the combinations have to be made, and whether we are not rather beginning a new series of actions, certainly bearing heavily on the general issue of a war, though perhaps not nearly so much on the campaign actually in course. It is submitted, that on examination and careful reference to distances, the latter will be found to be the case in the matter of the Crimea. The Black Sea being held by the allied fleets, the Russian one being shut up, the position of Prince Paskiewitsch on the Danube is almost irrespective of Sebastopol. He has altogether ceased to lean on it for supplies. His reserves, his stores of war, his recruits must come to him from the depôts in the interior of Russia. The blockade of the fleets, and their attitude of menace are sufficient to prevent the diminution of the garrison of the port; indeed, we may be quite certain of the truth of the report, that reinforcements have been directed towards it. Thus the object of diversion, by their alienation from the Danube and Asiatic Turkey, is gained already. Therefore, as far as the immediate aim of the contest is concerned, which we take to be the retreat of the Russian army from the Principalities, the present occupation of the Crimea by the Allies at this early stage, and the consequent deduction from their forces available for the assistance of Omar Pasha, would be to tamper with the invasion we have determined to resist, and a source of just disappointment and irritation to the ally, whose auxiliaries we have declared ourselves to be. It appears imperative to direct our grand primary effort towards the offensive defence of the lines now held by the Turks. If the Allied Powers choose to send another corps to the Crimea,

besides that already landed at Varna, or if there be truth in the rumour, that the Austrians have signed a convention with the Porte, for the immediate occupation of the Principalities, the case is of course altogether different. What has been advanced has been on the assumption, that at this juncture, no such enlargement of the efforts to carry on the struggle is contemplated.* The allied contingents, amounting to 80,000 men, when complete, will be by no means too numerous for the duties before them, or to meet the concentration of troops effected by the Russian general.

The war carried on in Asiatic Turkey during the last autumn was without any positive result; and, as yet, since the breaking up of the winter, there has not been any active resumption of hostilities. Several thousands of men, and a large supply of guns and stores, were landed at Batoum under the protection of the allied squadrons, before the declaration of war by the Western Powers was received by the admirals. Report attributes certain success to General Guyon in his attempts to introduce a better organisation among the forces in Armenia, but we cannot repose much faith in what reaches us on this score. We still must trust to the difficulties of the country; and in the hope, that amidst the great demands made on all sides, Russia will have but slender means to lavish on this ungrateful war. In 1829, Kars, Erzeroum, and Baipoort were occupied by Paskiewitsch. We do not anticipate such progress now, although we cannot but recollect that since 1829 Achalchick has remained in Russian hands. They commence their operations, therefore, nearer to the objects of their attack than was the case formerly. On the other hand, they are threatened by Shamil Bey, the Prophet-leader of the Circassians, and we may not unreasonably hope for a general insurrection of the wild Mussulman tribes of Daghestan under his influence, and the contagious effects of a general war on such a population. Fear for their own communications, will probably render the Russian generals jealous of again hazarding the bold strategy of Prince Paskiewitsch, which was before crowned with such decided success. It is impossible to survey the latest picture we have of Armenia,—its snowy hills and savage people,—from the pen of Mr. Curzon, without being struck with the difficulties opposed by such a country to an aggressive army, and without a growing

* It has been alleged that Admiral Hamelin has proposed the embarkation of a corps of troops from France for special service in the Crimea, and that he has been favourably listened to by his Government.

admiration for the military genius and resolution of the Russian Field Marshal who overcame them, and now, in his old age, is about to prove the abilities of Lord Raglan and M. de St. Arnaud. If his energy be not chilled by age or his late illness, he is indeed a worthy antagonist. They will find a man of great courage, of enlarged experience, and of strong resolution; one not burdened with scruples, or slow to sacrifice his own troops in the pursuit of what he believes to be an advantage; who, as shown by his practice in the capture of towns, has no notion of humanity towards those, in whom there is yet latent a spirit of resistance. His conduct may at times have been barbarous and cruel, but for the consummation of military objects, was consistent, and more conducive towards ultimate success than its opposite, which, on the score of mercy, does not utterly quell the spirit and efforts of resistance, thus enabling an enemy to claim advantages because he has not acceded to the demands made upon him. We must understand that war and peace cannot be carried on together. Where there are elements of resistance, and capitulation is refused, we must proceed with destruction till the former are no more, and the latter ensues: otherwise we fail in a military sense.

And here, properly, we ought to stop; but there is a point in the issue now being tried between this country and the Czar of Russia, which must not be overlooked. It is no longer the quarrel of Turkey, but it is one in which England steps forward as a principal party. We must look to the amount of injury we may receive, and whence and whither it may come. As long as our present alliances and arrangements with neutral Powers hold good, we are intangible on what has been called our own element. Our Colonies, and mercantile shipping are safe; and according to all human probability, the commerce of the Black Sea will be put on a more certain footing hereafter, than that which has hitherto obtained. But it has been asserted, and in many quarters there is a fixed belief, that Russia has the power of inflicting signal wounds on us in our Indian dominions, either by altogether cutting off our Egyptian route, if her designs against Turkey be successful, or by direct invasion through Persia or Central Asia during the course of a great war, in which she may engage with us. Of the former it is hardly necessary to speak. Even supposing we had waited in apathy and lethargy, till the Greek rite was again celebrated within the walls of St. Sofia, and had culpably neglected our international duties and the interests connected with them, it is hardly to be deduced from the experience of our history, that we should have tamely sat down under a great *material* injury to ourselves.

The most peaceful among us would have been the first to don their armour, and to excite the combative spirit for which their representatives are so famous, whether within or without the houses of Parliament. In such a case commercial jealousy and activity might have been fairly left to take care of themselves, and we cannot admit it to be a logical sequitur, that the surrender of Constantinople to the Czar, would have entailed that of Egypt to the same Power. That such was not the thought of the autocrat, we gather from his conversation with Sir Hamilton Seymour. He is sufficiently well acquainted with this country, to have once remarked, 'I have learnt that 'in England, it is of no use to gain either the one party or the 'other, which are constantly in and out of power. We must 'have the people with us.' He probably guessed that the security of our communications with India through Egypt, was the most alluring bribe he could offer to that people, and that this country would be sure to meet him in arms, and so defeat his immediate object, if its commercial safety were threatened by his policy.

On the other hand, we are assured by some politicians, that in the event of a war with Russia, we have everything to fear in the way of direct invasion; which, be it remarked, the sea being closed, and Persia inclining to British rather than Russian influence, can only reach India through Central Asia, by way of Khiva and Balkh. Colonel Chesney gives his authority in favour of this view. We quote his own words. 'The 'Author conceives there cannot be a doubt entertained of the 'possibility of invading India, and it is his belief that attempt 'will be made in the event of a general war.' No mail arrives from India without fables of impossible treaties and alliances, the gist of all of which is favourable to our enemy. Although so evidently based on fiction, they are undoubtedly believed in some quarters, and the prevalent idea of Russian attack in the East is strengthened by them. The assumption is current in France, that we have determined to fight the battle of India in the Black Sea and on the Danube. The ground taken by the opponents of the present dynasty in that country is, that our policy is a purely selfish one, with which France is not concerned.

If our empire in Hindustan were really in the feeble and threatened state, periodically asserted in Parliament and the Press, which is never really believed to be the fact in this country, but obtains very general credence on the Continent, a war in the Black and Baltic Seas would doubtless be the best diversion we could hit upon. It would afford us time to put our affairs in better order in the East, if the country were able to carry

on such a war. We may presume, however, that when our provincial administration shall have reached such a condition of effeteness, there will be small stomach at home for anything but the resignation of cowardice. The days of decline will have begun in England, when a distant and magnificent empire, which depends for maintenance on the constant infusion of fresh British blood into the system, but which being so constantly fed, has as yet met with no check to its progress, no obstacle to its development, shall be pronounced by those best acquainted with it, to be in 'real danger' from invasion. Stress should be laid on the term 'real danger.' Abortive attempts at annoyance, intrigues with barbarous tribes on long and distant frontiers, and harassing but to the empire innocuous border warfare, should be carefully distinguished, in our judgment, from the idea of 'real danger,' from positive invasion. The one can hardly be, except from growing feebleness at home; the other must be taken as a condition of our dominion, and of a state of hostility with numerous border tribes, who may be excited by a great aggressive Power, which has not been slower to avail itself of the artifices of intrigue than the shock of arms. Yet we will not deny that a serious check in the Black Sea to this aggressive Power, and a renovation of the Turkish elements of resistance in Armenia, are in some measure favourable to us in Asia. They will not only tend to strengthen Turkey, but also to prolong the existence of Persia as a nation. That cannot but be an important consideration to us.

We would, however, put a question to those who attribute such might to the *aggressive* power of Russia, not only against uncivilised hordes, but against the nations from whom she has gathered her imperfect acquaintance with civilisation. Is a time when she has to meet the Western Powers in arms, for the defence of her marine frontier; when she is engaged in forward movements necessitating the maintenance of an army of upwards of 200,000 men, irrespective of her defensive forces; when her ocean commerce is annihilated, and the supply of some of the necessaries of life rendered precarious; when on every side we hear of countries, hitherto trammelled or chained by her rule,—some lately conquered, others groaning under a more lengthened servitude,—some allied to the Roman Catholic Church in resistance to the usurpation of the Greek, others handed and vowed to war under the Crescent,—all alike crying for vengeance or enfranchisement,—is this a time when we are to fear a fresh undertaking, an expedition across Central Asia, which, to ensure a chance of success, must rival in its proportions the preparations of Napoleon in 1812? We can conceive, at some distant date,

Persia gradually subdued and Russianised.* There is nothing impossible or improbable in the idea. The movements of Russian extension have been steady in that direction since the beginning of the century, but they date from a much earlier period. Persia feels herself to be in the toils. We can imagine, but this is more difficult, an eventual subjugation of the wandering tribes inhabiting the wastes which stretch from the Caspian to Khiva, and from Khiva to Affghanistan; and when that has been achieved, it is possible also to imagine a general movement of

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* This point has been well reasoned on by the Baron de Beaujour, in his very able work, the 'Voyage Militaire dans l'Empire Othoman; 'ou, Description de ses Frontières,' &c.:

'The possession of Georgia not only opens Turkey but Persia to 'the Russians. The latter, masters of the great plateau which com- 'mands Asia, they can descend, at their will, on either of these empires. 'Natural or artificial obstacles can no longer stop them. The lines of 'the Phasis and of the Bathys are turned; those of the Kour and the 'Araxes pierced at many points; and a Russian army can now march 'across Asia Minor to Constantinople, or Media to Teheran, without 'meeting any other obstacle than certain streams of water, or some 'fortresses incapable of resisting artillery. Georgia, in giving the 'Caucasus to the Russians, has afforded them a commanding point in 'Asia, as Dalmatia enables the Austrians to threaten Albania from 'Monte Negro, one of the summits of Mount Skardus. And as the 'latter can descend from Mount Skardus, on Turkey in Europe, so the 'former can in a like manner descend from the Caucasus, on Turkey 'in Asia. But the occupation of Georgia is more burdensome on the 'Russians than that of Dalmatia is on the Austrians. The one can 'guard Dalmatia with a handful of men; while Georgia demands forty 'or fifty thousand men from the other, as their army must be distributed 'over an immense space, and is surrounded on every side by nomad 'races. It is not an easy matter to support so immense an army, for 'it will be necessary to transport recruits and war stores, either by 'the Black Sea or across the Caucasus. Georgia, therefore, can only 'serve Russia as a point of attack against Turkey or Persia. But as 'long as Persia is not conquered, it cannot be a point of departure 'whence to send an army against the British in India, as these latter 'have a force of 100,000 men, trained with European science, and 'because it is impossible to go and attack such an army across a hostile 'country 400 leagues in extent, and unprovided with any thing. The 'British have nothing to fear from the Russians established beyond 'the Caucasus. The Russians have rather reason to dread the arrival 'of a British fleet under the walls of St. Petersburg,' &c. &c.

This was written in 1829. The argument is accurate enough, except that attention is not given to the mountains of Armenia. But the writer was perhaps sufficiently justified by the successes of Paskiewitsch, to which allusion has been made in the text.

the barbarous hordes of Central Asia on Hindustan, incited by Russia, now become the suzerain of all, which should be supported by regular armies. We say it is possible to imagine a vast movement of this description, which should rival in the magnitude of its scope the immigration of the barbarians upon the Roman empire. But it is not possible to conceive the realisation of such gigantic projects, or even the attempt at realisation, when the country where they are supposed to originate is in a state of defensive war, and must distribute its forces on every side, to meet the contingency of attack.

Really, on calm reflection, it is impossible to characterise ideas of positive invasion of India by Russia at this juncture, but as the idlest phantasies of the brain. Our feeling is one of astonishment at fancy, which can so exaggerate the strength and resources of an enemy, which can attribute to him omniscience and ubiquity. It is indeed strange. Our Indian Empire has still all the vigour of youth. It can hardly be restrained from dancing from one acquisition to another. It can be reinforced from home with the utmost certainty: every circumstance connected with it shows that it is passing into a state of permanence and solidification. It is a curious system which participates in the vitality of the free constitution of Great Britain by the constant influx of fresh blood, while it is fenced by military precaution and armed by administrative concentration. Much as there may be to correct, inseparable as abuse must be in some cases, we have faith in the system and in its effects. Even were the attempt at invasion made, sufficient energy would be found to strike it on the head, sufficient means to roll it back. On the contrary, we cannot have faith in the omnipotence of the opposite system, also resulting for the most part from the right of conquest,—a system begotten on serfdom, nursed in corruption, and swathed in iron bands,—a system which for sheer existence, must be clamped and rivetted as the granite blocks in the quays of the Neva, to meet the winter frosts. We believe we have a strong will opposed to us, and that great resources for defence are at the disposal of that will. But we do not believe in the power of great resources for attack, except by the slow undermining process, which has been so insidiously worked by the *condottieri* of diplomacy, since the foreign policy of Russia was fashioned by Peter the Great. As the Western Powers have at length become fairly alive to the scope of that policy, at which they had either hitherto indirectly connived by the faint utterance of profitless remonstrances, or had assisted by blind acquiescence—and as they are determined to repress the growing usurpation, we cannot admit the present

existence of a danger, to which a more timid course of action now, might have eventually given birth, although not in the present age.

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Till the 14th of June, the duty of bringing affairs to a settlement in the East, by active intervention, had devolved solely on the Western Powers. The attitude of the German courts was so uncertain, and their negotiations were so tardy, that the Governments engaged in war with Russia have been compelled to arrange their plans on the hypothesis that a friendly neutrality could alone be expected from Austria and Prussia, which might abet the general European policy in theory, but refused to support it by action. To this, however, an end has suddenly been put. Since the foregoing pages were in type, the Russian army has commenced its retreat from the positions so long occupied. We cannot ascribe this retrograde movement merely to the successful stand made at Silistria. That has had a great importance; but the date of the order given to the Russian army to break up from its positions was prior to the latest and heaviest checks incurred by the besieging forces. Important as the concentrations at Varna and Shumla may be, it cannot be supposed that the Czar would have yielded without a blow to a demonstration in his front in Bulgaria, to meet which his preparations had been made, had he not become acutely sensitive for his rear in Wallachia. It is beyond a doubt that we must look for the causes of the Russian retreat in the menace of Austria, and the visible signs that the course of events was bringing about a change from neutrality to participation in the active policy of the Maritime Powers.

The convention signed on the 14th of June, by the representatives of Austria and the Porte, is an open declaration to that effect. It is alleged, and apparently with truth, that Austrian divisions will proceed immediately to occupy Wallachia, and guard the Danube from further Russian aggression. When this is done, the events will have occurred to which allusion has been already made in the discussion of the feasibility of operations in the Crimea. The Allied contingents will be disengaged, and the Turkish Government will be able to reinforce the levies in Asiatic Turkey, which, according to all accounts, are in want of additional strength.

## NOTE TO ART. II. OF No. 202.

In a note to p. 327. of our last Number, we referred to a letter of sympathy addressed to the followers of Joseph Smith by some English 'Irvingites' in 1835. The letter is given at full length in Joseph Smith's autobiography. It begins as follows: —'Dear Brethren in the Lord,—At a council of the pastors of 'our church, held March 28th, 1835, upon the propriety of the 'Rev. John Hewitt visiting you, it was resolved that * * * he 'should have, as he desired, the sanction of the council.' The letter proceeds to express sympathy in the Mormonite movement, and is signed 'Thomas Shaw, Barnsly, April 21. 1835.'

Since the publication of our last Number, we have received several letters from correspondents who belong to the (so called) 'Irvingite' sect, all of whom express their belief that the abovementioned letter was forged by John Hewitt. One gentleman (who signs himself W. R. Caird) asserts that Mr. Hewitt was believed by the late Mr. Irving to have been guilty of forging letters of recommendation from America; and he further asserts that there never was any Irvingite church at Barnsly.

No proofs have been furnished to us in support of these assertions; and there is certainly no internal evidence of forgery in the letter presented by John Hewitt to Joseph Smith. At the same time we think it right to mention that its authenticity is now denied by several members of the sect from which it professed to emanate.

*No. CCIV. will be published in October.*

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THE

# EDINBURGH REVIEW,

OCTOBER, 1854.

No. CCIV.

ART. I. — 1. *Report from the Select Committee on Church-rates.* Ordered by the House of Commons to be printed, July 15. 1851.

2. *Return of the Amount of Monies received and expended by Churchwardens in England and Wales from Easter* 1830 *to Easter* 1831. Ordered by the House of Commons to be printed, April 13. 1832.

3. *Account of all Monies received and expended by Churchwardens in England and Wales from Easter* 1838 *to Easter* 1839. Ordered by the House of Commons to be printed, August 26. 1839.

4.* *Return of every Church-rate within the last two Years in every Parish in England and Wales.* Ordered by the House of Commons to be printed, July 1. 1845.

5. *Returns of all Rates, other than Poor Rates, in England and Wales, in the Year ending September* 31. 1843. Ordered by the House of Commons to be printed, July 9. 1846.

6.* *Return from each City and Borough in England and Wales,*

* The two Returns, which we have numbered (4.) and (6.), are extremely defective. The order for the first of them did not specify *which* two years were to be returned, and accordingly some parishes returned the years 1840 and 1841, others 1839 and 1840; moreover, though the amount for each parish is given, the totals are not added up; so that the information contained is practically useless, consisting

*specifying the Number of Church-rates required, made, or refused, from Easter* 1833 *to Easter* 1851. Ordered by the House of Commons to be printed, May 12. 1852.

7. *The Church-rate Question considered.* By LORD STANLEY. London. 1853.
8. *A Bill to relieve Dissenters from Payment of Church-rates in certain Cases.* (Brought in by Mr. PACKE, Mr. SOTHERON, and Mr. MILES.) Ordered by the House of Commons to be printed, May 9. 1854.
9. *A Bill to abolish Church-rates.* (Brought in by Sir W. CLAY and Mr. PETO.) Ordered by the House of Commons to be printed, May 23. 1854.

'THERE is not a single question,' said the leader of Opposition in 1835,—'there is not a single question, excepting 'that of the Irish Church, which so much presses for an immediate practical settlement as this of Church-rates. Surely 'the noble Lord is bound to proceed, and not leave unsettled 'for another year a subject so pregnant with the seeds of discord and collision. . . . . Surely a Government fit to be intrusted with the management of public affairs would without 'delay take this matter into their own hands, and not suffer 'the law to be made a theme of discussion in public meetings, 'and a subject of resistance by parochial martyrs, for another 'twelvemonth.' Such were the words of no less a person than Sir Robert Peel, spoken twenty years ago,—words contrasting strangely with the speaker's after deeds, and therefore befitting him who is canonised by some of his admirers as the hero and martyr of political tergiversation. For the same statesman who in 1835 thought no Government 'fit to be intrusted with the 'management of public affairs' which could delay for a single year the reform of the law of church-rate, was himself the head of a powerful administration from 1841 to 1846, without once proposing any measure on the subject.

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of 331 folio pages of figures, in six columns each, none of them summed up. The Return marked (6.) is still more useless. It does not state the years in which the different rates were granted, but only the aggregate number of rates made in eighteen years by the several parishes. And here, also, the results are not summed up, so that we have been compelled to perform this long-addition sum (of 66 pages) in order to obtain the little information which is contained in the Return. On the other hand, the Returns marked (2.) and (3.) are excellently arranged, and give their results in the clearest and most available form; and that marked (5.) is also well arranged, and contains a good summary.

Yet we must not be too hasty in attributing to the Ministry of Sir Robert Peel, or to any of those which have followed it, the whole blame of this unfortunate postponement. Procrastination of necessary reforms is one of the compensating penalties which a nation must pay for the blessing of Representative Government. When there are many separate interests affected, and many jarring opinions to be reconciled, one or other of the parties will be always inclined, and often able, to hinder and obstruct. And in the present condition of the House of Commons, more especially, clogged and incumbered as it is by an overwhelming pressure of business, even the smallest knot of obstinate partisans can put a spoke in the wheel of progress. Thus National Education is adjourned from year to year; and we have just seen the Scottish measure on the subject defeated by nine monomaniac members, who have constituted themselves (to adopt their own barbarous nomenclature) the champions of '*Voluntaryism.*' So the abuses of the Ecclesiastical Courts have been dawdlingly deplored and patiently endured for half a century. And so the law of church-rate is still the same as it was when the great statesman of the age declared, twenty years ago, that it could be tolerated no longer by any trustworthy administration.

There are, indeed, special reasons which make such delays more likely in Ecclesiastical than in Civil reforms. The old maxim of law, '*nullum tempus occurrit ecclesiæ*,' if interpreted by the conduct of the legislature, would seem to bear the sense, '*no delay can harm the Church.*' In everything relating to its concerns, a system of obstinate obstructiveness has been maintained, not only by the Eldonite school of politicians who loved the Church for the sake of those profitable jobs and abuses which have lately been swept away; but also by utilitarian statesmen, such as Sir Robert Walpole, who desire to maintain that which exists, because its ruin would be troublesome, but utterly disbelieve all the principles on which it rests. And lastly, its improvement has been hindered by those who love it well but not wisely; who believe in its doctrines, but have no faith in its stability; who feel a lurking suspicion that it is too old and rotten to bear handling, and fear that if the timbers were renewed, the building would tumble.

Thus it has happened that the reform of church-rate, so often promised, has been so long postponed. At last, however, Parliament seems disposed seriously to grapple with the difficulty. It has formed a prominent topic of debate in the House of Commons during the late Session; and Mr. Gladstone has declared, almost in the words of his former chief, that the Government is

under an imperative obligation to take up the subject. And lest any recollections of the past should weaken the effect of this declaration, Lord John Russell has given a positive promise to the House that the administration will be prepared to 'settle' the question 'next year.' Yet while legislation is thus impending, we gather from many indications that the ideas of the public upon this, as upon most other ecclesiastical matters, are still vague and indistinct. And we hope that it may not be useless to explain the elements of the problem to be solved, and the conditions which must be fulfilled by any satisfactory solution.

To begin, then, by a definition of the term which forms the theme of discussion — a *church-rate* is a parochial tax, imposed by the *vestry* of a parish, and levied by the *churchwardens*. Now the vestry is the parochial synod of the church, and the churchwardens are the ecclesiastical representatives of the parishioners; moreover, the only other lay officers of the Church of England, the clerk and sexton, usually share in the proceeds of the rate. Hence the granting, raising, and spending of this impost, brings into play the whole lay organisation of the Establishment. If, therefore, we wished to give an intelligent foreigner a notion of the practical working of our ecclesiastical machinery, and of the instrumentality by which the Church developes and utilises the energies of her non-clerical members, we could not do better than introduce him to a meeting of the vestry of some populous parish, assembled for the purpose of annually exercising its most important spiritual function,—the election of those officers who, under the name of churchwardens, are appointed to guard and maintain the fabric of the hallowed building, and to represent the religion of their fellow parishioners. We will suppose that some Anglican, anxious thus to initiate a foreign guest into one of our domestic institutions, had taken him to the ancient church of a large town in Lancashire, on Easter Tuesday, five years ago. The following is a description of the scene which he would there have witnessed, as reported in the local newspapers:—

'On Easter Tuesday the parishioners of Rochdale assembled in the old church, for the purpose of discharging a portion of their annual duties by the election of the wardens for the year ensuing, and the attendance was by no means a small one.

'*The Vicar*, having taken the chair, proceeded to nominate and appoint, as his warden, George Murray Chadwick.

'*Mr. Abraham Brierly* proposed, as wardens for the ensuing year, Mr. Murray Chadwick (as Vicar's warden) and eight other gentlemen.

'The nomination having been seconded,

'*Mr. Livesey* rose and addressed the Chairman, amidst loud cries of "Hear, hear," applause, and some sharp interjections of disapproval from the friends of the Vicar. He said, "I am not here to wound the feelings of the party who has so misconducted himself in the office of Vicar's warden in past years; but I do come here, sir, to tell you my opinion, and to elicit the opinion of the meeting, as to the way in which you have conducted yourself in having persevered ——"

'*The Vicar.* "I shall not hear that."

'*Mr. Livesey.* "I have a right to be heard."

'*The Vicar.* "We have nothing to do with what has taken place in past years; if you have any amendment to propose, I will listen to it; but this is not the time and place to ——"

'*Mr. Livesey.* "It never is the time and place for you, Doctor."

'*Mr. Hunt* (solicitor). "Shame! shame!" (Cries of "Go on, Livesey," and great uproar.)

'*Mr. Livesey.* "I think your conduct, Mr. Chairman, in endeavouring to suppress the expression of opinion on the part of this meeting ——"

'*Mr. Hunt.* "Shame, Livesey! Sit down."

'*Mr. Livesey.* "I think that you, Dr. Molesworth, in your conduct during the last few years ——"

'*The Vicar.* "You shall not proceed."

'At this time the Chairman was determined to put the motion to the vote.

'*Mr. Livesey.* "I have an amendment, and I mean to proceed." (Cries of "Go on," applause, and disapprobation.)

'*The Vicar.* "I shall not hear you."

'*Mr. Livesey.* "I beg to propose the following list, as an amendment."

'*The Vicar.* "Very well. I'll hear that."

'*Mr. Livesey* then proposed another list of churchwardens.

'The motion having been seconded, amidst great uproar, a working man here commenced an address.

'*The Vicar.* "Hold your tongue, sir! Silence! Mr. Brierly is speaking to order."

'*Mr. Brierly.* "I think this is not the place for such scenes as this. It is true, the public have assembled in this place [the church] from year to year, and that we have met for that purpose now; but I don't think the meeting have any right to criticise the Vicar's conduct."

'*Mr. Livesey.* "You say this is not the time. When is the time? I ask the Vicar when is the time?" (Applause.)

'*The Vicar.* "Never, for you to criticise my conduct. I am not amenable to you." (Disapprobation and confusion.)

'*Mr. Brierly.* "I appeal to you whether, in this sacred place, you ought to go on in this way. You are met to elect the servants of the church; but it is a matter of comparative indifference to me whether my list or that of Mr. Livesey be carried; but do let us confine ourselves strictly to business."

'*Mr Livesey.* "I wish to attend to business; and I was going to observe that when nine wardens——"

'*The Vicar.* "That is not the business of this meeting."

'*Mr. Livesey.* "Really Doctor, your conduct is not such as becomes a Christian minister."

'*The Vicar.* "I don't care for that. This is not the time——"

'*Mr. Livesey.* "If this is not the time, when is it? I challenge Dr. Molesworth to a public discussion on the question, at any time and place he may name." (Cheers.)

(After some further discussion),

'*Mr. Cain,* wished to know from the Vicar, whether the warden he had nominated would, if he was appointed, act in harmony with those appointed by the parishioners?

'*The Vicar.* "The question has been put, whether it would not be better that my churchwarden should act in harmony with the others. Now, in the first place, I would not answer for any man how he will act for a year to come; but I think it would be much better if your churchwardens would act in harmony with him." (Cries of "Oh, oh!")

'*Mr. Livesey* again essayed to address the chair.

'*Mr. Hunt.* "Sit down, Livesey."

'*The Vicar.* "You have criticised my conduct."

'*Mr. Livesey.* "Because I have always found you to act the part of dictator and unchristian minister."

'*The Vicar.* "There, now——"

'*Mr. Hunt.* "Sit down, Livesey."

'*Mr. Livesey.* "I was told——"

'*Mr. Hunt.* "Order, Order." (Cries of "Go on Livesey," and great uproar.)

'*Mr. Livesey.* "Our friend, Mr. Hunt, is so noisy, I think a duck in the Marland Mere would be very useful to-day." (Cheers, and great laughter.)

'*Mr. Hunt* (advancing towards the speaker with great warmth.) "I think you are a personally-insulting scoundrel."

'*Mr. Livesey.* "I think the meeting will agree with me, Mr. Hunt has brought it upon himself by his violent conduct here; and I thought it best to give him his quietus before going any further." (Hear, hear, and great laughter.)

'*Mr. Livesey* was proceeding to speak as to the sufficiency of a farthing rate which had been proposed, but he was interrupted by the Vicar, who immediately proceeded to put the question to the vote.

'The result was an overwhelming majority for the amendment; the numbers being—for the amendment (at least) 500; for the original motion 6.

'*The Vicar.* "The amendment is carried. The question is, whether any one wishes to call for a poll."

('The Vicar looked at Mr. Brierly, but Mr. Brierly made no response that was audible to the Meeting.)

'*The Vicar.* "Well, the amendment is carried."

'*Mr. Livesey* was proceeding to speak on the vote of thanks, when the Vicar, descending the steps from the pulpit, and finding the crowd not at all disposed to move, said (addressing Mr. Livesey), "I charge you with making a riot in the church."

'*Mr. Livesey.* "Very well, Dr. Molesworth; but I am not in the habit of suffering threats of that kind to intimidate me out of proceeding, when I have a duty to perform."

'*The Vicar.* "Very well."

'*Mr. Livesey.* "Gentlemen, I stand here on my right as a parishioner; and I know that you are willing to hear me, if others are not."

'*The Vicar.* "Very well; I give you notice that I shall proceed against you for a riot in the church." (The Vicar then retired to the vestry, where he sat during the rest of the proceedings, out of the Meeting, but within hearing of what took place.)

'*Mr. Livesey* (who remained with his adherents *in the church*) then spoke without interruption, criticising the conduct of the Vicar and the wardens. He then referred to a statement made by Mr. Bright in the House of Commons, and proposed the following motion:—"That this Meeting declares, from the personal knowledge of individuals comprising it, and now present, that on the occasion of the great Church-rate Meeting in 1840, the Vicar was hooted and hissed by several thousands of his parishioners, and that the soldiers were called out, though most unnecessarily, to preserve the peace: that this Meeting is of opinion that the conduct of the Vicar is unbecoming a Christian minister, and has tended to bring the Church into contempt in this parish."

'The motion was seconded, and carried without a hand being held up against it, and *amidst loud plaudits.*

'The Meeting then separated.'*

Such is now the character, and such are the deliberations, of a parochial church assembly in England. Yet what can be more beautiful than the idea, that in the ten thousand parishes throughout the land all Christian men should from time to time be called together, to take counsel for their religious interests? How is it that the actual has fallen so far below the ideal? How has the vestry been degraded from a sacred synod of the faithful, to a scene of scurrilous debate, sacrilegious riot, and low buffoonery, scarcely to be surpassed even by the senates of Illinois or Missouri? The first origin of the mischief is to be found in that evil spirit of priestcraft which led both the Greek and Latin Churches to stifle the independent action of the laity, and concentrate the spiritual rule in the sacerdotal order. This hierarchal policy was much aided, and partly justified, by the barbarism of the times which followed the overthrow of the Empire. For when the clergy were the only members of the

* Abridged from the Record newspaper, April 16. 1849.

Church who could read their alphabet, they necessarily engrossed to themselves the functions which none else were fit to exercise. Till the civilisation of the West was overwhelmed by Goths and Vandals, the assemblies of the laity still held control, in the most important matters, over the religious concerns of the district to which they belonged. Even so late as the time of Ambrose, we find the chief pastors of the Church elected by the congregations over which they were to preside. And St. Augustine himself was appointed to his first ministerial charge by what we should now call the *vestry* of a small country town in Numidia. But the tendency of the Roman Church was too thoroughly sacerdotal to suffer such independent action to continue within the limits of her jurisdiction. The local assemblies of the laity were soon deprived of their religious functions, and degraded into committees of finance. In England it is possible that in the purer epoch of the British Church, the Celtic Christians may have enjoyed the same privileges as their Numidian brethren. But since the Anglo-Saxon times, it is not probable that the parochial synod ever aspired to higher duties than those which it now discharges as the ecclesiastical rating-board of the parish.

It is true, however, that it formerly exercised its functions under more advantageous circumstances, and without the disturbing forces which now too often make it a mockery and a farce. For so long as all the parishioners were in reality what they are in theory, members of the National Church, though the acts for which they were convoked were not of the highest importance, yet they were peacefully performed, and could not be conscientiously opposed. But when toleration was secured to Dissenters at the Revolution, a parishioner could no longer be regarded as necessarily a Churchman. Yet no provision was made to adapt the legal code of the Establishment to its altered position. The forms of ecclesiastical procedure hardened as they froze. The Statute Law, on the one hand, licensed nonconformity, and registered Dissenting chapels; the Common Law, on the other hand, stiffly maintained every Englishman a Churchman, and called on every inhabitant of a parish (whether Baptist, Socinian, or Jew) to vote in vestry upon the election of ecclesiastical officers, and to tax himself for the repair of a fabric where he no longer worshipped. Nay, while he was permitted by statute to frequent, and even to build a conventicle, he was (and still is) liable by the Canon Law to be *presented* by the churchwardens for absenting himself from the services of the Church. And if he fails to perform his religious duties to their satisfaction, he may be cited before the Bishop's

Court, and subjected to imprisonment '*for his soul's health.*' Or again, he may himself be elected churchwarden, and compelled to superintend rites which he believes idolatrous, and take custody of crosses which he abhors as Popish, and vestments which he contemns as prelatical. If he refuses to undertake this office, he is liable to a heavy fine; and for the sake of getting this addition to their funds, parishes have been found capable of profaning the rites of religion by the election of open unbelievers. This is a case of no very rare occurrence. Last year, in the metropolitan parish of St. George's, Eastcheap, the vestry elected a Jew churchwarden; the worthy Israelite, however, did not pay his fine, but served the office for a twelvemonth; and that (as we have been informed by one of the parochial authorities) 'very much to the satisfaction' of this very Christian parish.

The *vestry* itself — the body which the law encourages in such scandalous mockery, by composing it of such incongruous elements — has been, from the earliest times, the legal assembly of the parishioners for the despatch of parochial business. It derives its name from its customary place of meeting, the chamber where the sacred vestments of the church were formerly kept; although it may, and in large parishes often does, meet in the church, and make the roof of nave and chancel echo with cheers and laughter. Its members are the ratepayers of the parish, each of whom has a voice and vote in its proceedings. But the larger contributors have (by a statute of the present century*) a plurality of votes, in the proportion of one to every 25*l.* of assessment. In place of these *general* vestries (as they are termed) some parishes are governed by *select* vestries, constituted either by special statute, or (in a few cases) by immemorial custom. The commonest form of select vestries is that created under 'Hobhouse's Act,' which permits parishes with a certain population to substitute a representative assembly for their ancient vestry. This Act abrogates (where it is adopted) the above-mentioned plurality of voting, and establishes household suffrage, vote by ballot, and annual election; thus bestowing upon the happy ratepayers the three points of the *Nova Charta.* Under its provisions, they periodically elect a parochial parliament, faithfully foreshadowing the aspect which the House of Commons would exhibit if similarly elected. These are the vestries by which several metropolitan parishes are now governed; and the readers of the comic newspapers are familiar with the antics of these mimic senators, their petty squabbles,

* 58 Geo. 3. c. 85.

their mock-heroic orations, and their ridiculous travesties of parliamentary usage. Happily the Act by which they were called into existence forbids them to assemble in the church; but the unlucky clergyman is still compelled to be their official chairman, unless he be wise enough to absent himself from their deliberations altogether.

Whatever be the constitution of the vestry, it possesses the same general powers; namely, to investigate and restrain the expenditure of the parochial funds; to vote the church-rates; to determine the expediency of enlarging or altering the church; and to elect such of the churchwardens as are nominated by the parish.* This last is the only one of its duties which can strictly be called ecclesiastical. For the churchwardens are still (at least in theory) intrusted with religious functions, as representatives of the laity. They are by law required to make an annual *presentment* to the archdeacon at his visitation, wherein they are bound to specify all irregularities in the conduct either of the clergyman or the parishioners; as, for example, any violation of the rubric, or neglect of visiting the sick, on the part of the former: and any offences against good morals (such as habitual absence from public worship, drunkenness, swearing, or lewdness) which have been committed by the latter. But in practice, as may easily be supposed, this presentment has faded into an empty form, except in the case where flagrant scandal has been caused by some transgression of the clergyman. And even then, the churchwardens too often omit their duty, to save themselves from personal unpleasantness. They are further bound to keep order in the church during public worship, to distribute the eucharistic alms jointly with the minister†, to arrange the seats, and to ring the bells.‡ So far their duties, as

* The number of churchwardens elected by the parishioners varies in different places. The rule laid down by the canon is, that the minister should nominate one, and the parishioners another; and this is the most usual practice. But there are some parishes where both are elected; others (as Leeds and Rochdale), where the parishioners nominate *eight*, and the incumbent *one*. The legal practice in each parish is fixed by custom, which overrides the canon. The persons elected are compelled to serve, under the penalty of a heavy fine.

† According to the rubric (which has the force of statute, by the Act of Uniformity) the alms are at the disposal of 'the Minister and 'Churchwardens;' but if they disagree, must be 'disposed of as the 'Ordinary shall direct.'

‡ For the ringing of the bells, however, they must have the consent of the minister.

at present executed, do not give rise to much contention; except in the case where they are elected purposely to annoy an unpopular clergyman. The more usual cause of discord is the obligation incumbent on them to provide the necessaries for divine service, and to repair the furniture and fabric of the church. This part of their office they cannot discharge without money; money they cannot get without levying a rate; and a rate they cannot obtain without the consent of the vestry. Having decided, therefore, on the sum they will require, they convoke the parishioners, and prefer their modest request of a penny or twopence in the pound. This demand they make from a body which, according to the hypothesis of the law, consists of none but devout frequenters of the parish church. If the fact coincided with the theory, all would be plain and easy; and in those cases where it approaches it (as, for example, in the immense majority of country villages), the annual church-rate is voted without a division. But if the population be manufacturing, and the Dissenters powerful, the chances are that some vestry Hampden moves and carries an amendment. The churchwarden appeals to a poll, where he is perhaps again defeated; and at last he resigns the unequal contest, and conveys to his brother officials, the sexton and the clerk, the melancholy tidings that for the coming year their salaries must be abandoned to the uncovenanted mercies of the Voluntary System.

These two latter, being the only other lay officers of the Church of England, we may say a few words in explanation of their functions, in order to complete our sketch of the actual organisation of the popular element in the Establishment.

The *Parish Clerk* is a personage better known to most by the ear than by the eye. Who has not heard, in our country churches, the cruel havoc wrought upon the responses of the service by his tasteless recitation, whether in lugubrious drawl, monotonous bawl, or drowsy rattle? This antiphonal office, however, is no part of his legal functions; for, by the theory of the Church, the whole congregation should respond, and not devolve this portion of their duties upon an uneducated spokesman. And we rejoice to observe that the practice corresponds with this theory in many new churches, where the people have taken the responses into their own charge, and have dispensed with the services of a deputy. It is said by writers on Ecclesiastical Law, that the office of parish clerk originated in the *Constitutions* of Archbishop Boniface, which direct that the post of *Holy-water bearer* (*aquæ bajulus*) should be bestowed upon a clerk, who should assist the parish priest and obey his com-

mands. Subsequently, the small profits of the office not sufficing to maintain a clergyman, it became the practice to appoint a *lay clerk*, which is, strictly speaking, a contradiction in terms: and till a recent statute (7 & 8 Vict. c. 59.), no 'clerk in Holy 'Orders' could be clerk of a parish; the original institution having been superseded by immemorial custom. The duties of the parish clerk, however, still continue (except in the matter of holy water) to be much what they were in the time of Boniface; namely, to give general assistance to the minister in the performance of divine service. The clerk's office is a freehold, conferred by the parole appointment of the parson. But he may be removed for proved misconduct by the archdeacon (7 & 8 Vict. c. 59.). The salary is derived from customary fees, usually eked out by an annual dole from the church-rate.

The *Sexton* (or *Sacristan*) is also an ancient parochial officer, whose name is derived from his original duty of 'keeping the 'holy things belonging to the Divine worship.'* In most cases, however, omnipotent custom, the parent of English law, has transferred this trust to the clerk, and has only left to the ancient guardian of the sacristy the humbler and less pleasing task of grave-digger. This is the more strange, because the sextonship alone among ecclesiastical offices may legally be held by a woman, and women may vote in the election of a sexton. The Court which decided this point in favour of the sex gave a curious ground for its decision;—'that as this was an office which did 'not concern the care or inspection of the morals of the parishioners, 'there was no reason to exclude females.'†

The view we have thus given of the lay organs of the Church of England, though summary, is complete. And surely a very rapid glance at this machinery may suffice to show the rust by which its wheels are clogged. Yet such is the indifference of Englishmen to all general schemes of organisation, except those which directly concern their material interests; so strong is their attachment to prescriptive forms and ancient customs; that this semi-obsolete system has gone on without alteration for two hundred years, and might perhaps have gone on for two hundred more, had it not been for the storm which has arisen against a particular portion of the structure. This, however, cannot be altered without causing the whole to be reviewed. And we are, therefore, thankful that the helpless miscarriage of the law of church-rate has been forced upon the notice of the Legislature. Having now, as we trust, prepared our readers to understand

* Burn's Ecclesiastical Law, *in voce*.

† Str. 1114., quoted in Cripps's Ecclesiastical Law.

the elements involved in the discussion, we proceed to explain the actual condition of this law, which has during the last twenty years caused so much disturbance.

The foundation and origin of church-rates is the obligation imposed by the laws of England upon every parish to maintain the parish church. This obligation is probably not much less than a thousand years old; for it is recognised by a law of King Canute, which declares that 'all the people ought to give due 'aid in repairing the church.'* It is also declared to be a portion of the Common Law, by the unanimous opinions of all the twenty-three Judges who have given their decision upon the celebrated Braintree Case, however they have differed from one another upon minor points.† But the enforcement of this obligation has always rested with the Ecclesiastical Courts, nor does the Common Law provide any machinery compelling its performance; although the statute of *Circumspecte agatis*, passed in the 13th year of Edward the First, confirms the right of the Ecclesiastical Courts to punish those who refuse to repair their churches, and forbids the Temporal Courts to interfere for their protection.

The Spiritual Courts, being thus left unfettered in their jurisdiction, have established by their decisions the leading principles of the law. They regarded the obligation of maintaining the fabric and furniture necessary for divine service, as a religious duty incumbent on every parishioner. Hence it followed, that the rates raised by the parish were (in legal phraseology) incident *in personam;* that is, they were a personal tax on the inhabitants, not a charge upon the property of the district. Thus, if church-rate be not paid, the Ecclesiastical Courts have no remedy against the property of the recusant, but must imprison his person. And so far is this carried, that if the defaulter dies, the debt dies with him; his executors

* '*Ad refectionem ecclesiæ debet omnis populus secundum rectum* '*subvenire.*' This law is referred to in the judgment of Mr. Justice Cresswell on the Braintree Case; and is quoted in the Evidence published by the House of Commons. (*Report*, p. 461.)

† Thus Lord Denman says, 'The repair of the fabric of the church 'is a duty which the parishioners are compellable to perform, not a 'mere voluntary act. The law is imperative upon them absolutely 'that they do repair the Church.' (*Judgment of Exchequer Chamber in* Veley *v.* Burder.) So Lord Truro, in the House of Lords, (though deciding against the power of the minority to make a rate) declares that 'the parishioners are under an imperative legal obligation to 'provide for the necessary repairs of the church, and for the expenses 'incidental to public worship.'

not being bound to pay the church-rate which was due from him.* But though so purely personal in theory, the payment was regulated in amount by the ability of the contributor; and his ability was measured by his landed property, that being the only tangible property in early times. Theoretically, however, personal property was, and still is, liable to church-rate. Nay, there are a few parishes in England where cattle and ships are now assessed to this rate.† But (except in these few places) the custom has been so universal of charging real property only with the rate, that the Courts would probably decide that personal property was now exempt by prescription.‡ At all events, the charge has been, from time immemorial, practically a charge on the landed property of the country, though it can only be enforced by proceeding against the person of the occupier.§

The process by which the Ecclesiastical Courts enforce this obligation against a recusant, when a rate has been granted by the parish, is as follows: — The churchwardens commence a suit against the defaulter, Nehemiah Brown, for '*subtraction of 'church-rate;*' a curious term, which seems to imply that Brown has not only failed to pay his rate, but has actually stolen it from the parish chest. If Brown disputes the validity of the rate, or his own liability, the Court proceeds to try the points which he has raised. But if he cannot make any legal objection to the charge, he is pronounced contumacious, and is imprisoned till payment under a writ *de contumace capiendo.* If, however, the rate upon Brown be (as it almost always is) below 10*l.*, or if he be a Quaker‖, then the rate may be recovered in a less disagreeable way, by summary process before two magistrates, who may order the amount to be raised by a

* House of Commons Report, p. 234.

† At Poole ships, at Boston stock in trade, and in parts of Derbyshire cattle are assessed. The case of Poole was decided by the Court of Delegates, in 1823; on which occasion one of the Common Law Judges expressed his opinion that, in strict law, you might assess a man to church-rate according to his whole personal estate; for instance, 'You might assess Rundel and Bridge for all the jewellery 'in their shop.' (*House of Commons Report*, p. 300.)

‡ Sir J. Dodson says, that rating stock in trade to church-rate is according to the Common Law, but 'has gone into desuetude.' (*House of Commons Report*, p. 579.)

§ In Jeffrey's case (5 Lord Coke's Reports, 66.), it was decided that church-rate 'doth not charge the land, but the person in respect 'of the land, for equality and indifferency.'

‖ Quakers are allowed the benefit of the summary process for any amount under 50*l.*, by 53 Geo. 3. c. 127., an act which extended the earlier act of 7 & 8 Will. 3. c. 34.

distress upon his goods. This, however, they cannot do if Brown gives notice of his intention to dispute the validity of the rate.

But it sometimes (and in these latter years not unfrequently) happens, that instead of an obedient parish and zealous churchwardens enforcing the payment of a rate against a recusant individual, we see the rate refused by the vestry, and the wardens elected on purpose to oppose it. How can the legal obligation to repair the church be enforced against such a contumacious parish? This is a very difficult question. It was decided by the Courts of Queen's Bench and Exchequer Chamber, in the Braintree Case, that the minority of the vestry might, in such a case, make a valid rate against the will of the majority. This decision, however, has been within the last twelve months, reversed by the House of Lords; and it is now the law that a rate cannot be made except by a majority of the vestry. But can the majority be constrained to comply with the demands of the law? Dr. Lushington and Sir J. Dodson (both high authorities on these questions), assert that they can. The former, in his evidence before the Committee of the House of Commons, states that when the necessary repairs are thus refused, the Ecclesiastical Courts can order the parishioners severally by name, not 'to make a rate,' but 'to repair the 'Church.' If this order were disobeyed, the judgment of the court might be asked against every individual who disobeyed it; and such disobedience would be punished by imprisonment for contempt.* Sir J. Dodson adds, that, besides this 'process 'against every individual in detail,' the Ecclesiastical Courts might put the whole parish under 'an interdict;' *i. e.* deprive it of the ministrations of the Established Church.†

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* Dr. Lushington, speaking as Judge of the Consistory Court, says, 'If I ordered A. B. C. D. and so on, to repair, and they were 'contumacious, it would be my bounden duty to follow it up. It 'would not be a matter of choice with me; I should be bound, in that 'case, to pronounce them contumacious, to signify their contempt to 'the Chancellor, and the Chancellor would put them in prison.' (*House of Commons Report*, p. 296.) So the Judge of the Exeter County Court, in giving judgment on a suit brought in July last by the parish clerk of St. Mary's against the churchwardens, said, 'If 'the parish refused, the churchwardens were bound to return the 'names of each [or any] of the majority who refused the rate, who 'would be pronounced contumacious by the Ecclesiastical Court, and 'a writ would be issued from the Court of Chancery to the Sheriff of 'the County to send them all to the County gaol.'

† House of Commons Report, p. 569.

Such was the law in Roman Catholic times, and such it still remains. It may at first seem strange that several centuries should have passed during which church-rates have been annually proposed in all the ten thousand parishes of England, without the occurrence of a single case to draw these trenchant weapons from the sheath where they have so long been hidden, in the darkest recess of the canonical armoury, so that the very remedies provided by the law have become a matter of dispute among the most scientific lawyers. In explanation of this lengthened period of quiescence, it must be remembered that until the Revolution Non-conformists had no legal existence; and would never have ventured to force their non-conformity into notice by resisting any legal obligation. And although, after the Revolution, toleration was secured to them, yet for many years they remained a small minority, exposed to popular odium, and sometimes to popular outrage. During the whole of the last century the mob was zealous for the Church; from the days when Sacheverel was escorted in triumph through the streets of London, to those of the 'Church and King' rioters who burnt down Priestley's house at Birmingham. And we may remark in passing, that this fact shows how far more easily the enthusiasm of the populace is excited for names than things; since the very period when the Church of England had sunk to her lowest level, in doctrine, in discipline, in morality, and in care for the poor, was that of her highest favour with the masses. Moreover, besides the terror of persecution, which restrained Dissenters from braving the wrath of zealous Churchmen, there was also very generally diffused throughout society a dread of the penalties of resisted law, more formidable for the mystery which enveloped them; and a feeling of submission towards established rule, which paralysed hostility. Thus we find that so far from venturing to refuse the claims legally obligatory upon them, parishes assented without opposition to payments purely voluntary. For the law only demands that the necessaries of divine service should be provided; but the vestry may lawfully include in the rate many non-essentials, which we may call the *luxuries* of public worship, as (for instance) the maintenance of an organ, and the salary of a choir.* Not only were such articles quietly and unanimously voted, but in half the church-rates passed during the last century items were included

* The distinction is, according to Dr. Lushington, that the churchwardens may provide the *essentials* out of the money in their hands, without consulting the vestry; the *non-essentials* require the vestry's previous consent. (*House of Commons Report*, p. 315.)

positively illegal, so that the rates made and paid without opposition were actually invalid. Thus it was the most common practice to include retrospective expenses, which entirely invalidate the rate wherein they occur. Nay, Dr. Lushington 'has 'known highway and parliamentary expenses included;'* and Sir J. Dodson knows cases where the cost of killing sparrows and vermin was charged in the church-rate.† But these halcyon days of quiet (for all but the rats and sparrows) were too serene to last. The French Revolution of 1830, combined with the agitation which followed it, was a death-blow to all principles of non-resistance. And the Reform Bill gave to the Dissenting interest, which prevails most extensively among the middle rank of tradesmen and shopkeepers, a formidable accession of political power. Hence it happened that church-rates, which had hardly been refused by a single parish before 1830, began from that epoch to meet with an opposition constantly increasing. No church-rate has been levied at Birmingham since 1831; none at Leeds since 1833; and many other towns have followed in the train of these; till at last the most populous parishes in the great manufacturing towns have nearly all refused to pay. Thus the amount of church-rates levied in England and Wales was reduced from 446,247*l.* in 1831, to 363,103*l.* in 1839, and to 262,670*l.* in 1843.‡ There are no returns of the amount for subsequent years, but no doubt it is still farther diminished. Meanwhile, the obsolete law has furnished a battle-field for legal strife; its dusty corners have been searched, its rusty armour furbished up; and questions which for many years had only exercised the wits of ecclesiastical antiquaries, have now been keenly fought from court to court by angry partisans. The chief thing proved by these forensic contests has been the complication and uncertainty of the law, and the expensiveness of the litigation. The ecclesiastical remedies are so much impeded by technical difficulties, that whenever a vestry obstinately refuses church-rates, it is nearly impossible to enforce them. It is not true, indeed (though it has often been asserted), that the law imposes an obligation without providing means for compelling its perform-

* House of Commons Report, p. 296. † Ibid. p. 590.

‡ The amounts here given are those of the *church-rates* levied; not including the money derived from other sources, and applied to the same purpose as church-rates. As an example of the cause of decrease, we may state that in Leeds the rate averaged 1,564*l.* per annum, from 1800 to 1833; since then it has ceased altogether. Generally, however, the rate has not ceased, but it has been reduced in amount, and more economically spent.

ance. We have described the machinery which exists for putting the screw upon a recalcitrant parish. But yet the warning of Dr. Lushington is highly suggestive. He says, that, 'Considering these proceedings have now been obsolete 'for 150 or 200 years, there is a very great chance that there 'may be a miscarriage in some point of form, so that the power 'of the Ecclesiastical Court would never be brought into perfect 'effect.'* At any rate, the decision of each several case might be postponed perhaps for twenty years, by the determined and organised resistance of a wealthy body like the English Dissenters. Every case comes first before the Consistorial Court of the diocese; thence it may go, by appeal, to the Court of Arches; at this, or the former stage, the defendants may move for a *prohibition* in the Queen's Bench; if refused there, they may appeal to the Exchequer Chamber; if unsuccessful there also, an appeal to the House of Lords remains; if the Lords again refuse the prohibition, the case comes back to the Court of Arches; and thence may be finally carried to the Judicial Committee of Privy Council. The Braintree case, in its second phase, lasted thirteen years (from 1841 to 1853), though it only went through a part of this course.† The enormous expense of such litigation is obvious. In the Braintree suit, the costs of the churchwarden alone were 2378*l.* ‡, and this did not include the solicitor's charges and travelling expenses, which were gra-

* House of Commons Report, p. 295.

† The history of the Braintree case is as follows:—In 1837, a rate was rejected by the vestry, but made by the churchwardens on their own sole authority. This rate was confirmed by the Consistorial Court, but its decision was reversed by a prohibition from the Queen's Bench, which was maintained (on appeal) by the Exchequer Chamber. In the judgment pronounced by the latter Court, it was intimated (*obiter*) that a rate *by a minority* would be legal. Thereupon the churchwardens and a minority made a rate; the Consistorial Court now pronounced this rate bad; but the Court of Arches (on appeal) reversed this judgment, and confirmed the rate. The Queen's Bench was then moved for a prohibition, but refused it, and confirmed the judgment of the Court of Arches; the Exchequer Chamber (on appeal) agreed with the Queen's Bench; but the House of Lords reversed the decision of both Courts, and issued the prohibition. If, on the contrary, the Lords had confirmed the decision of the Courts below, the cause would not have ended; but would have returned to the Court of Arches, and thence would have gone by appeal to the Judicial Committee of Privy Council, where it would at last have exhausted its noisy circuit, and spun itself to rest.

‡ See a Statement published by the Archdeacons of London, Essex, and Middlesex, dated June, 1854.

tuitously given. But even if this protracted opposition were not offered, if no mistakes were made in the obsolete forms of jurisprudence, and if the legal process were brought into perfect operation, yet it would be so invidious to enforce the punishment by sending a parish to prison, that few churchwardens or archdeacons would venture to incur the odium which their official duty requires them to encounter. Nor are such difficulties confined to the case of a recusant vestry. Even an individual Nehemiah Brown in a consenting parish, may, if he has money at command, give much trouble and vexation to the parochial authorities. We have said that the summary process above mentioned cannot be resorted to when the validity of the rate is disputed. And there are innumerable cavils of which a captious objector may avail himself: thus Brown may allege that the rate is partly retrospective, or that the assessment is unequal, or that the prior rate is not exhausted (which it hardly ever is, because the poorest ratepayers must almost always be excused), or that illegal items are included.* If any of these objections can be sustained, the rate is upset; and at all events the discussion of them may involve tedious litigation.

We have said enough to prove that the law on this subject is in a most unsatisfactory state, being partly obsolete and partly uncertain; and offering so many facilities for evasion, that where the opponents are numerous and determined, it is found practically impossible to enforce it. The existence of such a legal dead-lock is in itself demoralising to the nation. As Mr. Gladstone truly said, in the late debate upon the subject, 'The present state of the law tends to weaken the foundation 'of all law, in a country where it is admitted that there is a 'legal obligation without the means of enforcement.' On this ground alone it is universally allowed, even by those who wish to retain church-rate substantially on its present footing, that an alteration of the law is needful. But though by altering the incidence of the tax, and its mode of collection, and by adding a summary method of procedure, the law were rendered simpler and more certain, there would still remain other evils, inseparably connected with the present system of church-rate, considering it as a tax levied at the discretion of a vestry, and imposed on a minority of non-conformists.

The most prominent of these is the injury inflicted on re-

* Dr. Lushington says, that it is hard to draw the line between legal and illegal items; *e. g.* to decide whether the inclusion of a beadle's salary, without previous consent of vestry would invalidate a rate. (*House of Commons Report*, p. 215.)

ligion by its association with an unholy warfare waged upon sacred ground. In large parishes where church-rate contests have occurred, they have been attended with all the violence and bitterness of contested elections. The mischief thus occasioned is strongly stated by Dr. Lushington, to whose testimony we have so often appealed. Nor would it be possible to summon a witness better qualified to condemn the hatred and malice engendered by party strife, than one who spent so many years in the conflict of politics without making a single enemy; conciliating the regard of the angriest antagonists by the happy suavity of a benignant temper; —

> 'Cujus erant mores, qualis facundia, mite
> Ingenium.'

In giving his evidence concerning this church-rate agitation, Dr. L. states that he has seen, as its result, 'the separation of 'parishes into two parties, and every description of heart-burning 'and quarrels;' and he adds, 'it has created greater feuds than 'any other subject that I know.' The mischief of this is much enhanced by the subject-matter of the strife. Questions relating to the most sacred ordinances of religion, the furniture of the altar, the providing of the eucharistic elements, the frequency and mode of celebration of the Sacraments, are exposed to the flippant scoffs of vulgar and irreverent buffoons. And the profaneness which all this involves, is still further heightened by the place selected for the crisis of the conflict; for it is usually fought out in the interior of the church. And thus the walls which, above all others, should be associated with unity and concord, become connected in the minds of those who worship there with memories of brawl and riot. Imagine (for example) the desecrating influence of such a scene as that which is described by one of the witnesses before the House of Commons, as having taken place in Braintree church. An illegal motion in favour of vote by ballot was made, which the Vicar (who was in the chair) refused to put. On this it was moved by the opposition party, that the Vicar be adjudged to have vacated the chair, and that a farmer of the name of Burder be called to take it. This was carried; but as the Vicar refused to give up bodily possession of his seat, the new chairman contented himself with a rival throne. Thereupon 'a poll was taken in the 'church, the Vicar sitting at one table, and taking a poll openly 'in the usual way; Mr. Burder sitting at another table with a 'ballot-box, and taking the vote in that way.'* Sometimes the

* House of Commons Report, p. 143.

violence of feeling excited on these occasions leads to actual blows, as was lately the case in Enfield church, where we learn that 'on Easter Monday, at the close of the annual vestry 'meeting, one of the vestrymen followed the ex-warden into 'church, and at the altar-rails most grossly and violently as-'saulted him. He first charged him with Puseyism, infidelity, '&c., and upon provoking a retort, struck him on the chest, and 'again on the neck.'* Such open pugilism, however, is scarcely more disgusting than the uproarious plaudits in which the joy of sectarian triumph occasionally finds vent; as at Whitechapel, for instance, where we read that 'there were struggles to get 'majorities in the vestry, which went to such an extent that 'upon one occasion, when the Church party beat the other party, 'they absolutely had a hurrah in the middle of the church.' . . . . . 'I heard oaths sworn in the body of the church.'† The evil of such disputes was illustrated by Mr. Bright, in the late debate, from his personal experience.

'He (Mr. Bright) had lived in a borough which, up to 1840, had been the scene of church-rate contests. He had seen three or four thousand persons assembled in the churchyard, harangued by aspiring orators who denounced the system of church-rates. He had seen the church crowded by persons in a temper and state of mind which it was a matter of regret to witness anywhere, but especially in a place of worship. He had known an expenditure take place on such occasions far exceeding the expenditure at contested elections. He had seen the military called out. And he had seen the vicar of the parish exposed to insults to which every man of right feeling must regret that a minister of religion should be subjected.'‡

This last incident, the mobbing and caricaturing of the unlucky parson, is a necessary feature of these ecclesiastical conflicts. It is true that the clergyman is not compelled to take any personal part. It is not his office either to demand or to levy a rate. 'Every clergyman of discretion' (says Dr. Lushington) 'keeps himself aloof from church-rates. He says, 'That 'is the business of the vestry, it is not mine.'§ But yet, as he is the legal chairman of the vestry, his position invites badgering; and the opposition invariably bait him with irregular motions, or personal abuse. And even if he absent himself from the bear-garden, and studiously abstain from meddling with the poll, still the mob naturally regard him as representative of the Church, and make him responsible for all the offences of

* Guardian Newspaper, April, 1854.
† House of Commons Report, p. 3.
‡ Times, June 22. 1854.
§ House of Commons Report, p. 302.

her supporters. So that whenever the churchwardens perform the duty which they are sworn to fulfil, of levying the rate against defaulters, the incumbent is accused as the interested instigator of religious persecution. And every chair and table sold under warrant of distress, is supposed, by some mysterious process, to swell his private income.* Thus not only is his popularity destroyed, by his identification with unpopular laws, but his religious usefulness is impaired by the sordid imputations which are cast upon his character.

Another evil of the present system of church-rate is the extensive prevalence of a belief that it is founded on injustice. The Dissenters complain that the law forces them to tax themselves for the profit of their neighbours. 'How unjust,' they say, 'that we should pay for what we do not use.' It is not wonderful that such feelings should exist; the very fact that this charge is imposed by vote of vestry, must keep up irritated feelings among those who permanently dislike and annually resist it. And its fluctuating amount prevents them from acquiescing in it as a regular burden upon their property. Nor can we blame the Nonconformists for taking all legal methods of relieving themselves from a payment so distasteful. Yet we must protest, in the name of truth and common sense, against the assertion (too often conceded by those who ought to enlighten popular ignorance instead of fostering popular delusions) that there is 'injustice' in the obligation imposed by law upon every parish to repair its church. The law may be, and we think it is, impolitic; but we deny that it is unjust; whether we regard church-rate as (what it is in practice) a charge upon property; or as (what it is in theory) a tax upon persons. If we view it in the first light, it falls ultimately on the owner; and the occupier cannot complain of it, since he gets it allowed him in his

* Even well-informed persons are constantly falling into the error of conceiving church-rate to be a part of the revenue of the clergy. One of the most remarkable instances of this mistake occurs in a late article of 'The Times' upon the Religious Census. In this, the amount of church-rates, estimated at 500,000*l.* a year (which was about its amount, including all receipts applicable to church-rate purposes, in 1839,) is added to the other revenues of the church, and the total thus produced is divided by the number of clergy, in order to obtain the average income of each clergyman. While on this subject, we may express our regret that the church-rate return of 1839 should have been given in the Religious Census as the most recent, when there was a subsequent return (in 1846) which gives the amount of church-rate in 1843. (See return marked (5.) at the head of this article.)

rent; or (which is the same thing) he makes allowance for it in calculating the rent which he will consent to give.* It has beeen said, indeed, that this is not the case in towns; but it is obvious that in those towns where church-rate is paid, every prudent man would ascertain its average amount before agreeing with his landlord for his house; so that ultimately it must fall upon the landlord. Now this landlord has either bought, or inherited his property subject to church-rate. His position, if he be a Dissenter, is practically the same with that of an Episcopalian landowner in Scotland, where all land is charged with the burden of maintaining the kirk and manse. Such charges cannot possibly be unjust, because the right of the law to claim them from the property whereon they fall, is as strong as the right of the owner to the property itself; both rights resting on the same foundation of immemorial prescription and statute law. Nor is the case altered because the charge may be increased if the value of the property is increased; as, for example, if the owner builds houses on land which was formerly pasture. For when he does this, he knows the liabilities which he incurs; and acts on a calculation that, taking these into account, he is profiting himself. Indeed, if on this latter ground church-rate be unjust, so is poor-rate, highway-rate, and all similar charges. Nor should we have noticed so weak an objection, but that it was pressed by some champions of Dissent in the Committee of the House of Commons.†

But it may be said, and said with truth, that we have no right to look only on the practical incidence of this impost. We must look also at its theoretical incidence, which is, as we have already shown, on the person, and not on the property. Though by custom it has been turned into a burden on the land, yet by law it is a personal tax, and still retains many characteristics of its original nature. But admitting fully the propriety of looking at the church-rate in this latter point of view, we still deny its 'injustice.' For is it unjust to allow the vote of a majority to impose a tax on a minority? If so, all our taxes are unjust, and our whole parliamentary system is one huge immorality. Or does the injustice depend on this, that the law forces men to pay for objects which they con-

* We find that glebe land in Essex which is free from church-rate lets 6*d.* an acre higher; *i. e.* the landowner pays 6*d.* an acre for church-rate. (*House of Commons Report*, p. 146.) Also that the late Lord Western paid the church-rate himself for his dissenting tenants, and charged it in the rent. (*Ibid.* p. 201.)

† House of Commons' Report, p. 187.

scientiously disapprove? Why, then, how monstrously unjust to make Mr. Bright and Mr. Cobden pay the double income tax, which is expressly granted (as declared in the preamble of the bill imposing it) to enable Her Majesty to carry on her 'just 'and necessary war' with Russia: a war which those honourable members have declared to be both a folly and a sin. Yet we believe that neither of them has remonstrated with the tax-gatherer on the immorality of his demands. So Mr. Spooner meekly pays taxes for the maintenance of Maynooth, and Sir R. Inglis gives the like support to 'the godless colleges.' Yet no one pities any of these gentlemen as the victims of 'injustice.' Because it would be absurd to stigmatise as unjust any burden which the State imposes for the general good, however mistaken may be the views of the Legislature in its imposition. It was well observed by Mr. Vernon, in the debate on church-rates in 1837, that this outcry about injustice reminded him of the complaints of one of his constituents against another parochial charge. 'What a shame it is,' said the complainant, 'that I 'should have the highway-rate levied upon me.' Mr. Vernon asked him, 'Why?' His answer was, 'Because I never 'drive or ride; I always walk, and therefore I don't want your 'Macadamised roads.'* We might add, that as this grumbling pedestrian really profited by the good roads without knowing it, by getting his letters sooner and his provisions cheaper, so the Dissenters benefit by the maintenance of a fabric dedicated to public worship in every village; and that, not merely by the cultivation of their taste for architecture, and by the improved beauty of the landscape, adorned as it is by those towers and spires which so often break the monotony of an English horizon; but in a more utilitarian sense, by the humanisation of the labourers whom they employ, for whom seats are provided free of cost, that they may hear the Gospel within those walls; walls hallowed by association with the most solemn epochs of their lives, and surrounded by the graves of their forefathers. But even if this benefit should be denied, it does not affect our argument, which is, that no dislike in an individual to the object of a tax can make that tax unjust, when lawfully imposed.

But although this impost is not really unjust, it cannot be denied that many are taught to think it so. They are told that it is a badge of inferiority, and a relic of religious persecution. And taxation being always unpleasant, they are easily persuaded that it is wrong. Hence a rankling feeling of irritation is

* Hansard, March 13. 1837.

excited; and the annual recurrence of parochial contests keeps the sore perpetually raw, by the renewal of the blister. Therefore while we deny the 'injustice,' we fully admit the impolicy, of imposing the church-rate on Dissenters.

Another reason which confirms us in this conclusion, is that the continuance of the impost encourages a very offensive species of humbug. It creates a crop of hypocrites, who profess to believe, not merely that church-rate is unjust, but that it is sinful to pay it, and who convert these scruples of conscience into a profitable stock-in-trade. To say that such scruples are ridiculous, is saying less than the truth. We freely allow, indeed, that in a few cases (as amongst the early Quakers for example) where extreme fanaticism is united with ignorance of the first elements of moral philosophy, they may by possibility be genuine. But in the present day such cases must be rare indeed. There are few so blinded by bigotry as not to agree in the axiom of Mr. Gladstone—'When the legislature makes a 'demand on its subjects for a part of their property, whatever be 'the purpose to which it is applied, *the demand of the legislature* '*absolves the conscience of its subjects.*'* In fact, when the legislature *demands*, it *takes;* and payment, therefore, is not voluntary acquiescence, but forced submission. Dissenters, when resident abroad, never refuse to pay the local taxes demanded from them, however idolatrous may be the application thereof. A Christian would not show his Christianity by refusing mosque-rate in Turkey.

But the best proof that these scruples are insincere, is the fact that they were never heard from Dissenters till the Reform Bill put political power into their hands. The Quakers, as we have just said, are an exceptional case; they give implicit obedience to the traditions of George Fox, and oppose passive resistance to all ecclesiastical payments, as he taught them. Even in their case, we are unable to understand the possibility of an honest man buying property, which he gets at a lower price because it is liable to a certain charge, and then declaring that his conscience forces him to repudiate the charge, and so to improve his bargain. Yet so perverse is human eccentricity, that we believe Fox and his followers were honest in pursuing this line of conduct. But then it must be remembered that they proved the reality of their scruples not by noisy opposition, but by patient endurance, and in times when they had everything to lose and nothing to gain by refusing to pay what they allowed the law to take.† But the case is very different in our

* Hansard, March 15. 1837.

† Even the Quakers are not consistent in their scrupulosity, for

days. Church-rate martyrdom is now a cheap and easy path to notoriety, and the martyr not only draws crowds to his shop, but is usually elected an alderman of the borough, and corporation jobs and dinners are the tortures to which he is condemned. Mr. Mellor, who was himself the counsel for one of these modern martyrs, gives the following account of his client to the Committee of the House of Commons.

'People visited him in great numbers in prison, and he held a levee there constantly. The late Vice-Chancellor Wigram, who was counsel on the other side in the Court of Chancery, told me that in consequence of the *persecution*, as it was called, vast numbers of people resorted to his shop, and that his trade was very much better in consequence of his being a martyr. I called upon him in gaol, with a view of advising him to succumb, and begging him for the sake of his family to give way, and endeavouring to reason him out of the scruples which afflicted his mind. I was unsuccessful. On mentioning this, I was told that there was no wonder about it, for he was prospering very much by reason of the sympathy which his case excited.'*

The mode in which these worthies proceed most clearly stamps the character of their opposition. Their imprisonment is purely voluntary; for, if they really scrupled to pay, they might act like the Quakers, and submit quietly to a warrant of distress. But instead of this, they oust the jurisdiction of the magistrates, by promising to dispute the validity of the rate in an ecclesiastical court. This promise, however, they do not fulfil, but make no appearance in the court, and are thereupon committed for contempt. They stay in gaol long enough to excite public notice, and then prove the sincerity of their convictions by paying the demand, or getting their friends to pay it for them.

When such facts are brought under our notice, we find it hard to say whether the *church-rate martyr* or the *vestry patriot* be the more offensive product of the agitation which feeds them

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they pay *war taxes*. In the committee on church-rates, Mr. Bass, a Quaker witness, is asked, 'Should you object to pay a national rate 'for the support of a war?' *Answer*. 'Yes,' I should.' *Question*. 'But have you not done it all your life?' *Answer*. '. . . The 'taxes for war are so mixed up with unobjectionable charges, that it 'is impossible to dissect them. . . . If the Government were to 'ask me for a *war tax*, I should not pay it.' Mr. Bass has now an opportunity of showing his consistency, by refusing the double income-tax, which is expressly declared by the statute book to be a *war tax*.

* House of Commons Report, p. 333.

both. The two are essentially of the same genus, but of different species. The 'martyr' is sleek, silent, and oleaginous; the 'patriot' is dapper, noisy, and hirsute. The martyr wins notoriety by ostentatious endurance, affects to shrink from fame, and blushingly bears honour thrust upon him; the patriot forces himself by storm on the notice of his fellow citizens, spouts at parish meetings, canvasses municipal wards, and is a conspicuous correspondent of the provincial press. He is usually a pert and pushing tradesman, with a glib tongue, a brazen brow, and leathern lungs. He has probably quarrelled with the churchwardens about a seat in church, or has been refused the place of clerk or sexton by the parson; and has thereupon turned a zealous Baptist, and resolved to show the Church how dangerous an enemy she has made. The 'martyr,' on the other hand, is rather obstinate than pugnacious, and acts more from calculation than from spite. Both heroes often meet at last in the county gaol, but quit it by opposite roads. The church-rate martyr entered it because he would not pay, the vestry patriot because he could not. The former leaves it with affected lamentation, that the friends who paid his rate should have bowed the knee to Baal; the latter emerges joyfully insolvent, exempted by operation of law from the necessity of satisfying his creditors.

If, notwithstanding the arguments which we have adduced, some zealous Churchmen still hesitate to concur in measures which would exempt Dissenters from contributing to the support of the National Church, perhaps they will be persuaded to reconsider their objections by looking at the question from another point of view. If they observe the effect of the law which they defend, they will find that, instead of securing the superiority of the church over the chapel, it is often the instrument whereby Churchmen are subjected to the domination of Dissenters. Every nonconformist being taxed to maintain the services of the church, claims rights correlative to this obligation, to superintend the distribution of ecclesiastical funds, and to vote for the election of ecclesiastical officers. And even in the case of new churches, for which no rate can be demanded, the same principle of law brings the same consequences of interference. Surely it is better to give up a system, however plausible in theory, which leads to results so anomalous.

For the above reasons, we agree with those who desire the abolition of church-rates in their present form. We hail joyfully the promise made by Lord John Russell on behalf of the ministry, that they will undertake next year to settle this untoward difficulty. We cordially concur in the conviction of

the Chancellor of the Exchequer, that 'it is hardly possible to 'exaggerate the strength of the obligation on the Government 'to take this question into their consideration.'* Nay, we should even agree with Mr. Horsman, in 'preferring the total 'abolition of church-rates to the continuance of the present state 'of uncertainty and embarrassment.'

But, notwithstanding all the difficulties which surround the question, we are not reduced to this alternative. It is true that Mr. Gladstone, in a speech which was wittily described as consisting of 'four and twenty logical objections to every pos-'sible course of proceeding, put like four and twenty fiddlers 'all in a row,' has shown the numerous knots which perplex the problem. But the plans which have been proposed out-number the fiddlers' band, and his analysis has not exhausted all possible solutions. It is needless to weary our readers with all, or even with half the methods that have been suggested. If any one wishes to investigate them, are they not written in the blue book, which contains the deeds of the church-rate committee? Substantially, however, so far as the difference between them is material, they may all be reduced to three classes; the first, including those measures which would charge the church-rate on the revenue of the state; the second, those which would abandon it without a substitute; the third, those which would retain the legal obligation on Churchmen, and exempt Dissenters. †

The schemes first proposed in Parliament belonged to the former of these three classes. The earliest measure was that of Lord Althorp, who, in 1834, brought in a bill, substituting for church-rate an annual charge of 250,000*l.* on the land-tax, and 50,000*l.* more to be derived from the improvement of ecclesiastical property. This bill was supported by several majorities in the House, but was ultimately withdrawn, being wrecked in the storm which shattered the ministry of Lord Grey. Next came the proposal of Sir R. Peel, during his first administration, to

* See the debate on Sir W. Clay's bill, June 21. 1854.

† We here speak only of measures contemplating the *abolition* of the present system of church-rates. Besides these, several plans have been proposed for improving the existing law; either by throwing the charge on the owner instead of the occupier; or by assimilating the church-rate to the poor-rate; or by allowing the redemption of church-rate on the principle of the land-tax. But though either of these plans would be a great improvement on the present system, yet they would not overcome the objections which we have stated to the imposition of church-rate on nonconformists; and would, therefore, be only palliatives, and not cures.

charge the church-rate on the Consolidated Fund. This plan might be defended by the analogy of France, where the churches and parsonages of the three recognised religions (cultes reconnus de l'état) are built and maintained by the State, at an expense of a million and a half per annum.* The measure was, however, strongly opposed; especially on the ground that it would tax Scotland and Ireland for the support of the English Establishment. The objection was perhaps more plausible than valid, considering how many Scotch and Irish charges are paid by England. Yet the scheme could not be expected to satisfy the Dissenters; and it had, of course, no chance of success when proposed by a ministry which could not command a majority in the House of Commons.

The third and last Government measure on the subject was brought forward by Mr. Spring Rice, when Chancellor of the Exchequer, in 1837. He proposed that 'a permanent and 'adequate provision' should be made 'for the repair and main-'tenance of parochial churches in England and Wales, and for 'the celebration of Divine worship therein,' by '*an increased* '*value to be given to church lands.*' A resolution was carried in favour of this proposal, but by a majority so narrow (273 to 250) as to render further perseverance hopeless; and the bill was accordingly abandoned. Since then, Parliament has appropriated the surplus which will arise from the better management of church property to more important ecclesiastical purposes. It would, therefore, be now impossible to revert to this abandoned scheme, without sacrificing other plans which have received the sanction of the Legislature. Indeed, it would be far better to leave the repair of churches to voluntary contributions than to confiscate for the maintenance of the material fabrics revenues now consecrated to the spiritual instruction of the people. We have classed this last measure with the other plans for charging church-rate on the national resources, because that which is drawn by legislative enactment from property subject to parliamentary control is in effect the revenue of the State. But, at the same time, there is one important distinction to be made between the measure of Mr. Spring Rice and those of Lord Althorp and Sir R. Peel; namely, that it satisfied the Dissenting interest, which the others did not and could not do.

The second mode of treating the case is simpler than the first, as to kill is easier than to cure. It prescribes the total annihilation of the present system, without providing any substitute. Not to notice other abortive attempts to force this measure upon

* House of Commons Report, p. 494.

Parliament, it may suffice to mention, that in April last, Sir W. Clay, at the head of the Radical party, obtained leave, by an unexpected majority in a thin House, to bring in a bill for the immediate abolition of church-rates. This bill was opposed by Government, and thrown out upon the second reading (June 21.), after speeches from Lord John Russell and Mr. Gladstone, which we have already quoted. The advocates for this short and easy method propose to leave the repair of churches on the same footing as that of Dissenting chapels,—dependent, namely, on the voluntary contributions of the congregation. But, in the first place, it is doubted whether in small rural parishes the voluntary system would provide sufficient funds for the maintenance of the church at all. In the towns, it is allowed, on all hands, that churches may readily be maintained in this way. But in the country the case is different. It is easy for a congregation of Dissenters to run up four brick walls, and to keep the humble fabric weathertight; but it is a more costly matter to maintain the spires and pinnacles, the high-pitched roofs and decorated porches which often adorn some paltry hamlet. In fact, the churches built for country parishes by our forefathers sometimes seem almost absurdly beyond the scale required by the number of the parishioners; who look nearly as insignificant, when contrasted with the vast proportions of the shrine wherein they kneel, as the few white-robed students who cluster in the choir of King's Chapel at Cambridge,—lonely, in the long perspective of its vaulted arches; as if placed there purposely to show forth the contrast between the human and the divine.

> 'High heaven rejects the lore
> Of nicely calculated less or more.
> So deemed the man who fashioned for the sense
> These lofty pillars, spread that branching roof,
> Self-poised, and scooped into ten thousand cells
> Where light and shade repose, where music dwells
> Lingering, and wandering on as loth to die.'*

It would be a low and miserable utilitarianism which should cut down such temples to fit the numerical dimensions of their congregation. This, however, is a contingency which we do not greatly apprehend. Difficulties would no doubt be felt in some special cases; yet, on the whole, we cannot bring ourselves to believe that a single church, architecturally worth preserving, would be allowed to fall. Where the parish was too stingy or too poor to keep up the fabric, a diocesan subscription would come to the rescue. And if this were insufficient, the

* Wordsworth's Sonnets.

incumbent would no doubt supply the deficit out of the private resources by which most of our established clergy eke out the scanty pittance which they receive from their livings.

But another and more fatal objection to the unconditional surrender of church-rate is, that it involves the establishment of a universal system of pew rents, and consequently sacrifices the vested rights of the poor. Those who could not pay for seats would be shut out from the church, as they now are, by the operation of the same system, from the meeting house.* For it is admitted by the testimony of Nonconformist witnesses examined before the Church-rate Committee, that the congregation of a Dissenting chapel consists of the trading classes, to the almost entire exclusion of the labouring poor. This argument against the voluntary system has been strongly urged by its opponents. Thus Mr. Goulburn, in the recent debate, said, 'Church-rates are levied to secure to the poor a free 'admission to the house of God; and we are called on, by the 'abolition of these rates, to prevent them from having this free 'access to divine worship.' So Dr. Lushington, in answer to a question, 'Whether payment for the repair of churches out 'of pew rent would be desirable or possible?' replies, 'I never 'would assent to any system that should leave the poor of 'England without a place to go to church.'† And Lord John Russell, in the speech before cited, says, 'I think such a mode 'very objectionable. It is wholly repugnant to the feelings of 'the agricultural population generally, who have been accustomed 'to visit the church as a free and open church. The poor would

* To illustrate the practical working of the voluntary system in country districts, we will take the case of a small country parish in Essex, which is divided into four large farms, averaging 200 acres each. The church-rate averages 20*l.* per annum, or 6*d.* an acre. Under these circumstances, the whole expense of providing accommodation for religious worship is shared between the rector (who is bound to repair the chancel) and the four farmers. Each of the latter pays 5*l.* per annum, and of course gives 5*l.* less of rent for his farm; so that virtually the rate is paid by the landlords. The poor of the parish are admitted free of cost, and have their seats provided for them by the rich. But we fear that it could not be expected that these farmers should continue to pay their 5*l.* a piece as a spontaneous gift for the benefit of their neighbours; nor even that their non-resident landlords should consent to supply the whole parish with free sittings, when the law exempted them from contribution. Hence, all those among the poor, who could possibly afford it, would either be compelled to pay pew-rent for the seats which they now freely occupy, or would be excluded altogether from public worship.

† House of Commons Report, p. 331.

'especially have a right to complain were pew rents established.' Indeed, it is more and more generally acknowledged that the system of pews, which during the last century crept into the church from the meeting house, is in a national church an odious abuse, though in voluntary places of worship it is a necessary expedient. And it would clearly be very undesirable to extend and perpetuate an evil which has done so much to alienate the rich from the poor, at the very time when it is rapidly disappearing before the influence of better knowledge and more Christian feeling. At present, by recent legislation, a certain number of free sittings must be reserved, even in those town churches where pew rents are allowed; and a limit is fixed to the price of seats. These wholesome restrictions would be swept away by the radical change which we are considering.*

We think, then, that the unconditional abolition of church-rates would most unwisely sacrifice the country to the towns, and the poor to the rich. And farther, it would fling away a substance to gain a shadow. For the sake of a momentary popularity with the Dissenting bodies, we should enrich the landholders by remitting a local tax which in the great majority of cases is paid without reluctance. In the words of the Chancellor of the Exchequer, 'There are something like 11,000 'parishes; and it is not an illiberal estimate to say that out of

* Mr. Burgess, the Rector of Upper Chelsea, in his evidence before the Committee on Church-rates, contrasts the different positions of a voluntary chapel and a national church, as follows:—'Let me 'take the instance of a parish church, or a church like my own, 'which is maintained entirely by pew rents, and the case of a Dissenting chapel. If the law permitted me, at this moment, to put 5*s.* a 'sitting upon my sittings, I should want no church-rate of anybody, 'nor any collection; that would pay everything needful for the sustentation of the fabric and the incidental expenses. But the law 'prohibits that and says, "You shall not exceed such a sum in letting your sittings." If I go to my neighbour, a Dissenting minister, 'I find that he can charge what he pleases for his sittings, and can 'fill his chapel at almost any price; he has, therefore, his resources 'entirely at his own disposal, and he wants no rates; the law does 'not shackle him at all. Another instance: I am bound to open my 'church to everybody, and I must have 600 free sittings for the 'public to enter in and take without any charge at all; the Dissenting chapel need have no free sittings, and generally has very few, 'so that it is not a public building. If, therefore, the law insists 'upon the church being open to everybody, and cripples me in my 'resources, it is bound, I think, to maintain it as a public fabric.' (*House of Commons Report*, p. 493.)

'that number there are not more than 500 in which church-rates 'are either refused or contested. If that be true, it does not at 'first sight appear to be an adequate reason for destroying this 'law in the 10,500 parishes where the law has worked well, 'and where there have been no heart-burnings at all.'* As a proof how exaggerated are the common statements of the extent of opposition to church-rates, Dr. Phillimore informed the House, during the same debate, that 'from two returns which 'he had recently obtained, he found that in the Archdeaconry 'of Middlesex and London alone no less than 59 church-rates 'had been made, in many cases without opposition, since the 'date of the Braintree case [*i. e.* since last winter].' And similar evidence is furnished on a more extensive scale by the Return to an Address of the House printed in May 1852; which gives the number of church-rates made and refused in the cities and boroughs of England and Wales from 1833 to 1851. From this we find† that, during these eighteen years, there were 11,627 separate church-rates made by the 1,025 town-parishes. This clearly shows that the parishes which refuse church-rate are comparatively few, even in towns.

We must repeat, therefore, what we said nine months ago in reference to this subject; that nothing but the strongest political necessity can justify the State in abandoning a revenue which belongs to itself, and so transferring it from public uses to the domain of private selfishness. Now in the present case we have about 250,000*l.* a year‡, of which only $\frac{1}{12}$th, or at most $\frac{1}{10}$th§, is contributed by Dissenters. Hence there is more than 200,000*l.* raised, without opposition, as a tax on Churchmen, who attend the services and use the seats for which they pay. Moreover, the annual sum paid by each contributor is so small, that its remission would be almost unfelt; so that the public would be injured, without profiting the individual. We have

* Reported in 'The Times,' June 22. 1854. In the leading article of the same paper, on the same debate, occurs the following passage: '*We are told the rate is paid cheerfully in at least one parish in 'twenty-five. That is about Lord J. Russell's calculation.*' Really this is one of the strangest mis-statements we ever read. The calculation referred to (which was Mr. Gladstone's, not Lord J. Russell's) alleges that the rate is paid cheerfully not by *one*, but by *twenty-four* parishes in twenty-five.

† See the first note on this Article.

‡ The last return of church-rates in England and Wales gives their total amount (in 1843) as 262,670*l.*

§ This is the calculation of Sir R. Peel (Hansard, March 13. 1837), with which Mr. Gladstone agrees.

seen that, in those rural districts where the payment is highest, the abolition of church-rate would virtually increase the rent of the landlords by 6*d.* an acre; a paltry gift, which nine landlords out of ten would scorn to pocket. Why, then, should the nation force this unsought boon on the owners of property?

It may be said, indeed, that the principle of this objection would forbid us to exempt Dissenters from the payment of these rates. And, no doubt, we might consistently contend with Mr. Drummond, that 'these rates, if taken from the Church, 'ought to be handed to the State.'* But the reasons which we have already given for abandoning the exaction of church-rate from Nonconformists, are so strong, as to constitute that political necessity which (as we maintain) ought to be pleaded, in order to justify the surrender of national revenue. Yet it would theoretically be better, instead of remitting this portion of the tax, to transfer it to some public purpose which the payers would approve. But the practical difficulties in the way of doing this are so great, and the Dissenting contribution to church-rate so small, that it is hardly worth while to attempt it.†

Our readers will have anticipated, from what we have said, that we are inclined to advocate the third method which has been suggested for redressing the evils and anomalies we have described; namely, that which proposes to take church-rates from Churchmen, and from Churchmen only. There have been several plans for effecting this alteration. One proposal, which has been successfully carried out in a parish of Leeds, by the voluntary consent of the inhabitants, is to rate those only who attend the services of the Church; assessing them, as at present, according to their property.‡ Another scheme, which has attracted more notice, would exempt Nonconformists, if duly registered as such, from ecclesiastical dues. This plan has been brought before Parliament under two different modifications; last year, by Dr. Phillimore, and in the present year by Mr. Packe. § But neither of these measures was strongly

* Speech on the first reading of Sir W. Clay's bill.

† It was suggested by a member of the Church-rate Committee, that 'each denomination should have the right of spending on its own 'fabric and services a rateable sum, so that it should not be of pecu-'niary advantage in respect of church-rate to belong to one denomi-'nation more than another.' But no practical machinery for carrying out such a plan has been proposed, and it would necessarily be difficult and complicated.

‡ House of Commons Report, pp. 519—521.

§ Dr. Phillimore's proposal (which was nearly identical with that

supported, and they were both withdrawn by their proposers. Indeed, it is scarcely possible in the present day, considering the immense pressure of business in the House of Commons, for a private member to succeed in carrying any measure on so difficult a subject. The principle of these bills, however,—namely, the exemption of registered Nonconformists from church-rate,—if weakly supported, was still more weakly opposed. Few members of the Legislature advocate the continuance of the law in its present state. And the representatives of the Dissenting interest could not decently argue against an exemption for which they had so long clamoured. Accordingly, they at first said little, because they had nothing to say. But lately, their ablest rhetorician, Mr. Bright, has happily bethought himself of a nickname which will save the trouble of argument. He describes Dr. Phillimore's measure as '*the plan suggested for* '*ticketing and labelling Dissenters like parcels to be sent by railway.*' And he vehemently exclaims that 'the Dissenters have been 'subjected to a good many insults during the last century or two, 'but he does not think they will submit to be *ticketed* in their 'own country.' Would it be possible to find a cavil more palpably disingenuous? Surely the force of faction can go no farther than this attempt to raise an agitation against a useful reform, by nicknaming registration *ticketing*.* Why we are all of us registered, in fifty different ways, from the day of our birth to the day of our burial. Mr. Bright himself, we suppose, was registered when he married, and registers his babies when they are severally born, baptized, or named. And even in death, he will not escape the grasp of the Registrar General, who will *ticket* him with the very name of the disease which shall have robbed the country of so illustrious a citizen. Thus the resemblance which he so greatly dreads, between himself and 'a parcel labelled to be sent by railway,' must inevitably occur when he is despatched upon his last journey. We confess that we cannot perceive the likeness between parcels and Dissenters, nor the insult conveyed in such a similarity supposing it to

made by Lord Stanley in the pamphlet at the head of this article) was to exempt registered Dissenters entirely from the rate. Mr. Packe's bill proposes to continue their liability to repair the church, but to exempt them from the rest of the church-rate. This plan is decidedly inferior to the other; so small a change would satisfy nobody, and hardly be worth making.

* 'It has been my fortune,' says Mr. Gladstone in the same debate, 'to live some years in Scotland, where I am myself a Dissenter; but 'I do not object to record myself a Dissenter any number of times 'the law desires it.'

self. We would recommend that every dissentient should have the right of claiming the repayment of his church-rate, in the same way that those possessing less than 100*l.* a-year can now obtain restitution of their income-tax. For this purpose, printed forms should be supplied on application; and in these forms we would not even require from the claimant a statement of nonconformity; but simply a declaration that he *conscientiously objected to the payment of church-rate;* which should be signed by the applicant, and witnessed by two ratepayers.* The sums so repaid would, of course, be added to the church-rate of the ensuing year. A list of those who had claimed this exemption should be annually printed, and they should be thereby deprived of their claim to seats in church, and of their right to vote at the election of churchwardens. By this plan, the only persons charged with the expense of repairing the church would be those who wished to avail themselves of its services. We may add that the amount required would be much diminished, not only by reducing the rate to a mere fabric-fund, but also by the greater economy introduced by placing all the churches in the county under a central management. And annual inspection would, by insuring timely attention to small repairs, save the expense which is now often ultimately incurred by unwise procrastination.

This reform, in order to make it complete and satisfactory, must be accompanied by others. In the first place, the obsolete powers of the Ecclesiastical Courts, and their vexatious methods of procedure, should be done away. They should be no more permitted to treat a Nonconformist as a rebellious Churchman, nor to concern themselves in any way whatever for 'the health 'of his soul.' Secondly; the parochial synods of the Church should no longer be rendered useless by the intrusion of Dissenters. This latter change is closely connected with the former; and gross injustice constantly results from the present law. For example: when the Church party in a parish, for the sake of peace, give up the attempt to enforce a rate, and maintain their

* The form of these claims might be something of this kind:—

I, A. B., ratepayer of the parish of C., conscientiously object to the payment of church-rate; and I hereby demand the repayment of the sum of , levied on me for church-rate, in the year 18 .

Witness my hand, this day of , 18 .

A. B. of C.

Signed in the presence of us,

D. E.
F. G. } Ratepayers of the parish of C.

church by their own voluntary offerings, the management of the funds which they have raised is sometimes transferred to their opponents. 'They are liable' (in the words of Mr. Gladstone) 'to have the application of their money taken out of their hands 'by the men who had the week before voted against the rate.' Another example, still more flagrant, is of no unusual occurrence in the present day: a church is built in some large town by zealous members of the Establishment. By their private liberality the fabric rises in all the loveliness of mediæval architecture; breaking the dull and vulgar line of our commercial streets with belfry and buttress, gabled porch and mullioned window. Within its walls, the like harmonious richness is given to the service, by the chants and anthems of cathedral music. If now the founders turn their edifice into a commercial speculation; if they divide the area into pews, and share the pew-rents among themselves; they will at once have the pleasure of a service according to their mind and the profit of a lucrative partnership. No law forbids them to make this gain of godliness; and such a practice is not uncommon in the builders of proprietary chapels, whether Churchmen or Dissenters. But if, scorning this sordid aim, they are anxious for the spiritual good of the population which surrounds their new-built church; if, accordingly, they attach to it a parochial district, and make the clergyman not their own hired servant, but a parish minister; then they at once resign the control of their work to a miscellaneous multitude. It is true that no rates can be levied for the church thus gratuitously bestowed on the parishioners; so that no inhabitant has any more reasonable claim to interfere in its management than in that of the neighbouring Jewish synagogue or Unitarian chapel. Yet the existing law gives every householder in the district a voice in its vestry and a vote in the election of its churchwarden. Hence, if there be a popular agitation against the style of worship adopted by its founders, a small minority of churchmen may avail themselves of the aid of the nonconformist or infidel inhabitants, and so crushing the resistance of the congregation, may remove the crosses from the building and the chanting from the services; and, if it were not for the police, they would no doubt proceed to complete the description of the Psalmist, and 'break down 'the carved work thereof with axes and hammers.'

Such are the anomalies which result from that obstinate adherence to the letter rather than the spirit of the law, which is a necessary characteristic of lawyers, till they are relieved from a false position by fresh legislation. The discussion of our present subject, indeed, forces upon us at every point the conviction that old things are past away. In our vexation, we

might almost be tempted to say of the Establishment, as Moore sings of the Irish harp, that the only sign of its existence is the noise from time to time created by the snapping of some mouldering chord. Yet such words and thoughts would be both hasty and unjust. The harp need but be new strung, to make harmonious music as of old. The principle of the ecclesiastical machinery is sound, and there is power enough to work it. All that we need is to rub off the rust which impedes its movements, and to mould its minor details in conformity with its position.

The remedy for the disorders which we have described, as for most other evils 'which laws can cause or cure,' is to bring the law into harmony with facts. The first and chief discrepance between them is (as we have seen), the legal perpetuation of that obsolete theory which makes every Englishman a Churchman. We have already pointed out some of the mischiefs springing from this root of bitterness. We may add that it has had a twofold operation, damaging both the secular and the religious organisation of parishes. The legal assembly of the inhabitants for the regulation of their local affairs, is also regarded as the lay synod of the Church. Hence its religious and its financial functions are blended in inextricable confusion, to the mutual injury of both. For example, the Vestry is the parochial rating board, which superintends the secular as well as the ecclesiastical expenditure; the moneys to be disbursed for paving, lighting, and road-mending, being under its control. But since, when viewed in their spiritual capacity, all men ought to have an equal voice, the Common Law allowed all members of the Vestry an equal vote.* Yet what can be more absurd, than that the contributor of five shillings, and of fifty pounds, to a common fund, should each have the same power over the chest which holds their joint stock? How would the proprietary of a railway relish a similar rule? It is plain that if the Vestry had been contemplated by law, as being what for most intents and purposes it is, a financial board, it would have been enabled to regulate its expenditure by unrestricted plurality of voting, like a body of shareholders. In this particular, therefore, the religious aspect of the body has interfered with its secular efficiency.

But far more frequent and more mischievous is the converse operation of the same cause, by which the secular character

* This was modified, as we have before said, by 58 Geo. 3. c. 85.; so that a plurality of voting (restricted, however, to six votes), is allowed in parishes where Hobhouse's Act does not prevail.

of the vestry annihilates its religious usefulness. We have already given abundant instances of the absurdity and profaneness resulting from this incongruity. We have even seen that the religious representative of a Christian parish may be a Jew, and may perform his duties to the perfect satisfaction of the parishioners whose Christianity is embodied in his person. Surely this is the *reductio ad absurdum* of our present ecclesiastical constitution. Indeed it is universally felt that no religious functions can be properly intrusted to parish vestries as now constituted. And this conviction furnishes one of the strongest reasons for altering the law of church-rate. Yet what is the result of this state of things upon the national religion? It renders the Church of England absolutely destitute of all lay organisation whatever. Nay, one might almost say, she has no members at all, except her clergy; since the only act of membership permitted to her laity is a weekly attendance on divine service. How great are the possibilities of good thus thrown away. We learn from the recent 'Religious Census' (which certainly cannot be accused of partiality in favour of the Church) that half the religion of the nation is to be found within her pale. And the same authority points out the vigorous efforts wherewith, in the last twenty years, she has striven to atone for former negligence, by supplying the rapidly increasing masses with pastoral ministration and means of worship. The same tale is told by the Reports of the Committee of Council on Education, where we find the schools created by members of the Church so far more numerous than those of all other denominations put together.* And if so much has been done by the random movements of volunteers, what might not be achieved if all these separate atoms were blended into one body, and

* In the volume of the Minutes of Council for this year (1853-4) we have looked at the proportions in the 'calendar' given of 'certificated' schoolmasters, *i. e.* those who have obtained the certificates bestowed by Government on the teachers who have passed the best examinations. The total number of these (for England and Scotland) is 1,205, of whom 336 are Scotch, and 869 English. Of these latter, only 107 belong to Nonconformist schools, and 762 to Church schools. The grants in aid of local contributions show similar results. Thus, from 1839 to 1854, the sum of 880,000*l.* was paid to meet Church contributions, and only 187,000*l.* to meet Nonconformist contributions. Moreover, we find in the Official Report on Education, recently published by authority of the Registrar General, that (according to the Census of 1851), 'the schools of the Church of 'England form 81 per cent., and her scholars 76 per cent., of the 'whole." (*Educational Census*, p. 48.)

knit together by the legalised manifestation of a common will? And what more easy, when there is so much energy available, than to organise and direct it? We are glad to see, by the recent discussions in Convocation, and by the Report of one of its Committees, that this subject has engaged the attention of the representatives of the clergy; and we are still more happy to find that the right of the laity to representation was only contested by a single speaker in that assembly. It is evident, therefore, that no serious clerical opposition need be feared to such a change, if it were sanctioned by Parliament.

The first step in the right direction will be forced upon the Legislature, whenever it alters the present law of church-rate. Any measure of reform must necessarily contain a clause stripping parochial vestries of their present religious character. The vestry should be left in possession of all its secular functions, and emancipated from the official control of the incumbent. But the election of churchwardens and superintendence over their proceedings should be transferred to another body (which might be called the *church vestry*), consisting of all adult members of the congregation. This lay synod of the parish would naturally provide for those necessaries of divine service which would be (according to the plan we have suggested) excluded from the church-rate; and it would probably add what we have called the *luxuries* of public worship on a scale more liberal than is now usual. Nor need the powers of such an assembly be limited to these lower functions. It might also elect other officers (whom, if desirous to retain old names, we might call *Sidesmen* *), with duties resembling those of the lay elders, who form so admirable an ingredient in the Scottish Kirk, or of the 'Vestrymen' in the Episcopal Church of the United States. † These functionaries should share with the clergyman the offices of visiting the sick, superintending the schools, training the choristers, giving religious instruction to the poor, and managing the parochial societies formed for pious or charitable objects. Their number would of course be proportioned to the population of the parish, one, for instance, to every fifty churchmen.

All this might be effected with very little innovation, and would follow spontaneously from the creation of a genuine church vestry, invested with religious functions. But a paro-

* *Sidesmen*, i.e. *synodsmen*, is an old term for churchwardens, still used in some parishes.

† See Mr. Caswall's 'America and the American Church' (2nd edit. 1851), a book which gives a very interesting picture of the practical working of the system which it describes. He tells us that even small parishes elect ten or twelve of these 'vestrymen.'

chial synod, when once thus changed from a sham to a reality, would no doubt develope other faculties and lead to further organisation. It would not be content to remain isolated, but would seek for practical means of union with its sister assemblies in neighbouring parishes. On such a groundwork it would be easy afterwards to base an ecclesiastical system, of which the parish should form the rudimental type. It is not difficult to imagine a diocesan convention, elected by the parochial synods of the diocese; and intrusted with the duties now discharged by similar assemblies in the Episcopalian church of North America. Into the hands of such a body we might suppose the patronage eventually transferred of those livings which are now in the nomination of public corporations or official persons. Meanwhile the parochial synods might perhaps exercise some kind of veto on the appointment of their minister, limited by proper restrictions. A national convention or council of the whole church might be chosen by the several diocesan conventions, due care being taken that not less than half its members should be laymen. This body might do invaluable service, by introducing timely changes into the administrative and executive machinery of the church, by appointing standing committees for carrying out religious and charitable undertakings, such as education of the poor, and missions to the heathen; and by preparing ecclesiastical measures for the sanction of Parliament.

But we dare not linger over these pleasing prospects, lest we should be accused of mingling visionary theories with practical reforms. And indeed, it is impossible to dwell upon them long without pain; for they force on us the difference between what is and what might have been. The fear cannot but intrude, that we may perchance have exhausted the patience of heaven, and believed too long in the sluggard's gospel '*nunquam sera.*' For though the skeleton of all this goodly fabric exists, it is so dry and lifeless that some are ready to exclaim incredulously, like the prophet in the valley of Chebar, 'Can these bones 'live?' Yet we trust that an answer will be given in the same words by the same power, 'I will cause breath to enter into 'them.' We hope, even if it be against hope, that the Church of the future may embody that spirit-stirring vision — '*And 'when I beheld, lo, the sinews and the flesh came upon the bones, 'and the skin covered them above; and the breath came into them; 'and they lived, and stood up upon their feet, an exceeding great 'army.*'*

* Ezekiel, xxxvii. 8.

ART. II. — *Mémoires et Correspondance Politique et Militaire du Roi Joseph.* Publiés, annotés, et mis en ordre par A. DU CASSE, Aide-de-Camp de S. A. J. le Prince Jérome Napoléon. 8vo. Paris: 1853.

OF all books, the most generally and constantly popular are the memoirs, diaries, and letters of eminent and remarkable people; and the descriptions and details of the courts, the cabinets, and the camps of famous monarchs, statesmen, and generals have an unfailing and universal attraction. Generation after generation continues to read with undiminished zest the vast collection of French memoirs which embrace the reigns of Louis XIV. and his predecessor, to wander in imagination through the galleries of Versailles, and the saloons of the Hotel de Rambouillet, and in the 'mind's eye' to people those celebrated localities with the illustrious and interesting characters of both sexes who once adorned them, and with whom the De Retz', Mottevilles, and St. Simons have made us so familiar. The histories and the memoirs from the beginning of the French Revolution down to the end of the war form another such group, which though less romantic and classical, are even more immediately interesting to ourselves than the first. To the more modern series, the 'Memoirs and Correspondence of King 'Joseph' form a very valuable addition; though the interest of the 'Correspondence' is principally derived from the letters of the Emperor Napoleon, of which a large proportion of it consists. Joseph himself, though he had to play (*nolens volens*) considerable parts in the great drama of the 'Consulate and 'the Empire,' was a star of inferior magnitude, and only shines by the borrowed light of his connexion with the great luminary of his family. Not but what he seems to have been rather underrated by his contemporaries, for, though far from having abilities of a high order, he was certainly not deficient in intelligence, prudence, and judgment. He enjoyed the reputation of being a worthy, well-disposed man, moderate in his desires, and of a benevolent, humane disposition; and such an estimate of his character is confirmed by the correspondence before us. It has been said that no two men are more dissimilar than the same man at different periods of his life; and however true or false this may be as a general axiom, it is eminently true as regards Napoleon Bonaparte; for when we examine attentively his conduct and his career from first to last, we shall find that though there are some traits of character which may be constantly traced, and will be found reproduced in different forms

throughout all the circumstances of his eventful life, that character underwent as great a change as his fortunes; his head was turned, and his heart was hardened, by prosperity and success; the acquisition of unlimited power, and the perverting influence of abject flattery and submission, proved the ruin of his moral sentiments, seared his conscience, and destroyed the natural sympathies and affections of which before his elevation he had given many manifestations. Less has been ascertained and recorded of the early life of the Emperor Napoleon than of any man who ever rose by his own energy and ability from a low condition to the summit of human grandeur; and it is curious and interesting to contemplate him as he was in the days of his obscurity and poverty, when the height of his ambition was to obtain some petty distinction in his native island of Corsica, and his most ardent desire to promote the happiness and welfare of the numerous family of which he constituted himself the guardian and the protector. Joseph and Napoleon, the two eldest of the Bonapartes, were knit together in their youth by the closest bonds of friendship and affection; and from the first moment of their being separated they maintained a regular and incessant correspondence (of which, unfortunately, most of the earliest letters were lost*), commencing at a period when the fortunes of the family were still at a low ebb; and we think that more is to be learnt from these letters, of the real disposition of the Emperor, and they furnish better materials for forming an impartial judgment of him, than all the voluminous contributions of his admirers or his detractors, — of his friends or his foes. We see him here in the freshness of his precocious and aspiring youth, with his heart yet warm and unspoilt, and (as we may imagine) nursing in the deep recesses of his mind vague and visionary hopes, to be transcended by such a destiny as in his wildest dreams he never could have caught a glimpse of. We then see the gradual development of the ambitious and despotic elements of his character, the effects of increasing power upon it, and the subordination of whatever there ever was of tenderness and amiability in his nature, to the passion for boundless domination, and the exigencies of an uncontrolled and uncontrollable will.

The Bonapartes were an ancient Ghibelline family, a branch of which lived in the middle ages at St. Miniato, near Florence. Several of its members filled at different times municipal offices

* Napoleon's letters were lost in the shipwreck of a vessel carrying Joseph's effects after his Embassy at Rome, and Joseph's were taken in La Vendée.

in various Italian towns.* On some occasion during the civil broils which perpetually distracted the Florentine republic, the Guelphs, who were generally the dominant faction, expelled the Bonapartes, who thereupon took refuge in Corsica. In that island little or nothing is known of them, till we hear of Charles Bonaparte, who was born at Ajaccio in 1746. After pursuing his studies at the university of Pisa, he returned to his native country, and became the most popular advocate in Ajaccio. He was a strenuous adherent of the Paolis in their struggle for Corsican independence, and the agent of Pasquale Paoli in many public transactions.† Charles Bonaparte married a beautiful girl named Letitia Ramolini, who bore him a family of thirteen children, of whom Joseph was the eldest and Napoleon the second son. To certain portentous incidents said to have attended the birth or distinguished the youth of the future emperor, we may safely ascribe a mythical character. Napoleon, according to the Imperial calendar, and to common belief, was born in 1769, but the evidence seems conclusive that his real birthday was the fifth of February, 1768, and that he probably caused the date to be falsified, for the purpose of making it appear that he was *a Frenchman* by birth, Corsica having been incorporated with France in June, 1769.

Charles Bonaparte is said to have been a man of considerable ability, with a clear understanding, and a fervid orator. He died of a cancer in his stomach (the disease which proved fatal to Napoleon) in 1785, leaving eight children living. Of Napoleon's earliest years little is known; but it is said that as a boy he exhibited an indomitable propensity to arms.‡ He was educated first at Angers and afterwards at Brienne, but was in the habit of visiting his family every year at Ajaccio. His heroic and despotic nature manifested itself in the influence which, though so young, and not the firstborn of his house, he managed to exercise over all its members. He acted as tutor and instructor to his brothers and sisters; and obedience to his will became the rule of the household.§ In 1782, being then fourteen years old, he was sent to the Ecole Militaire at Paris; and in 1785 he entered the Artillery. Having soon reached

* Napoleon told General Bertrand (at St. Helena) that his family was of Roman origin; that there were Bonapartes at Rome in A.D. 1000, and that a Bonaparte had written an account of the sack of Rome by the Constable of Bourbon in 1500.

† Letters on Corsica, published in the 'Allgemeine Zeitung.'

‡ Letters on Corsica. § Ibid.

the grade of first lieutenant, he was ordered with his regiment to Valence; during his abode at which place he composed a history of Corsica,—a fragment never completed or published.* He embraced the cause of the French Revolution, when the Bonapartes separated themselves from the Paolis and the Corsican patriots, and joined the French party in the island. After its incorporation with France had been decreed, it became a scene of disturbance and civil strife; and on one occasion Napoleon very nearly lost his life in a street fray.† In 1791 two battalions were raised in Corsica, and Napoleon aspired to the command of one of them as the highest object of his ambition. The election for these commands was carried on with great violence between the rival factions. After a desperate contest, in the course of which the Bonapartes perpetrated a little *coup d'état*, by the forcible abduction of the chief of the opposite faction on the eve of the election, Napoleon was chosen *second* in command of one of the battalions. From that time he occupied himself entirely with his military duties; but in the confusion and disorder which subsequently prevailed, and the temporary ascendancy obtained by the Paoli faction, his family became obnoxious to popular rage, and were compelled to fly from the island, when they took refuge at Toulon. In 1793, in consequence of the good character he had gained at the military academy and in his regiment, he was appointed chef de bataillon and second in command of the Artillery at the siege of Toulon, and his success on that occasion procured for him the command of the Artillery in the army of Italy in 1794. During the siege of Toulon he had formed an intimacy with the younger Robespierre, who was the commissary of the Convention at that place; and he earnestly pressed Napoleon to accompany him to Paris, and join with him in supporting his brother; but Napoleon was already alienated from the Revolution; he had been a zealous patriot during the existence of the Constituent Assembly, but on the appointment of the Legislative his sentiments underwent a change. The reign of Terror filled him with aversion and disgust, and inspired him with that hatred of the Jacobins which he ever afterwards preserved. On the downfall of Robespierre, the connexion which had existed between the two brothers and Napoleon exposed him to the suspicion of the Thermidorian party, and he was arrested by the commissioners whom they sent to the army of Italy.

* He sent a part of this work to the Abbé Raynal, with a very humble request that he would deign to look at it.

† Letters on Corsica.

He was, however, very soon liberated, when he returned to Paris. Shortly after, he was offered a command in La Vendée, but not choosing to accept it, he was deprived of his commission as a general officer. Meanwhile, Joseph retired to France when the English made themselves masters of Corsica; and after having been employed first at Toulon and afterwards at the army of Italy as a *Commissaire des Guerres*, had (in 1794) married Madlle. Julie Clary, one of the daughters of a rich merchant at Marseilles. Here begins the correspondence between the two brothers contained in these volumes, which was carried on, though not without interruption, till the fall of the Empire. As no description or paraphrase of these intimate and confidential communications can give so just and complete an idea of the policy, the objects, and the character of Napoleon, both in his private and public capacities, as his own letters, we shall give copious extracts from them, together with such explanatory comments as shall elucidate whatever may appear unintelligible and obscure.

In 1795, Napoleon took up his abode at Paris, with prospects far from brilliant or promising; although he does not appear to have been in the abject poverty which has been generally represented, his resources were very slender, and it was owing to the generous devotion of Junot, and the aid of his brother Joseph, that he was not reduced to absolute distress. He had been for some time paying his addresses to Madlle. Desirée Eugénie Clary, sister of Joseph's wife; but though there was something like an engagement between them, the attachment does not seem to have been very passionate, and the contemplated union was evidently given up without much difficulty or reluctance on either side. In one of his first letters at this period, he writes*:—'Desirée me demande mon portrait. Je vais 'le faire faire; tu le lui donneras si elle le désire encore, sans 'quoi tu le garderas pour toi. Dans quelques évènements que la 'fortune te place, tu sais bien, mon ami, que tu ne peux pas avoir 'de meilleur ami qui te soit plus cher, et qui désire plus sincère-'ment ton bonheur. La vie est un songe léger qui se dissipe. 'Si tu pars, et tu penses que ce puisse être pour quelque temps, 'envoie moi ton portrait; nous avons vécu tant d'années ensemble 'si étroitement unis, que nos cœurs se sont confondus et tu sais 'mieux que personne combien le mien est entièrement à toi. 'Je sens en traçant ces lignes une émotion dont j'ai eu peu 'd'exemples dans ma vie.' This sentimental mood did not prevent his entering with youthful zest into the enjoyments of Paris,

* June 25. 1795.

then revelling in the delight of its deliverance from the Reign of Terror with its system of proscription and bloodshed; and thus he describes the condition of the capital:—'Le luxe, le plaisir 'et les arts reprennent ici d'une manière étonnante. . . Les 'voitures les plus élégantes reparaissent. . . Tout est entassé 'dans ce pays pour distraire, et rendre la vie agréable. . . . 'L'on s'arrache à ses réflexions: et quel moyen de voir en noir 'dans cette application de l'esprit et ce tourbillon si actif.'* And again: 'Ce grand peuple se donne au plaisir, les danses, les 'spectacles, les femmes, qui sont ici les plus belles du monde, 'deviennent la grande affaire, l'aisance, le luxe, le bon ton, tout a 'repris. L'on ne se souvient plus de la terreur que comme d'un rêve.' In the midst of this joyous existence, and surrounded by so many temptations, he seems to have been more faithful to Desirée, than the young lady was to him, although he evidently began to suspect that she meant to jilt him. 'Point de lettre de toi. 'Je n'ai pas non plus de lettre de Désirée de puis qu'elle est à 'Gènes . . Je crois que tu a fait exprès de ne pas me parler 'd'elle. Je ne sais pas si elle vit encore.'† His spirits by turn rose and fell, and varied emotions were perpetually acting on his excitable temperament; one day his ruling passion breaking out, and the next, a profound melancholy betraying his despair of the distinction for which his whole soul was incessantly yearning. 'Adieu mon bon ami; sois très insouciant sur l'ave-'nir, très content du présent, gai, et apprends un peu à 't'amuser; moi, je suis satisfait. Il ne me manque que de pou-'voir me trouver à quelque combat; il faut que le guerrier 'arrache des lauriers ou meure au lit de gloire.'‡ . . . 'Moi, 'très peu attaché à la vie, la voyant sans grande sollicitude, me 'trouvant constamment dans la situation d'âme où l'on se trouve 'la veille d'une bataille; convaincu par sentiment que lorsque 'la mort se trouve au milieu pour tout terminer, s'inquiéter 'est folie. Tout me fait braver le sort ou le destin, et si cela 'continue, je finirai par ne pas me détourner lorsque passe une 'voiture.'§ On the 20th of August he was appointed to a place in the bureau topographique, in the room of Carnot, and (by his own account) had the option of being sent to Turkey, with a commission to organise the Ottoman artillery, and he soon became deeply engaged in public business. He once more recurred to his proposed marriage, and evinced a desire to bring the affair to a conclusion one way or the other, though he rather unaccountably writes as if the idea of it was entirely new. 'Si

* July 30.
† July 19. 22.
‡ August 9.
§ August 12.

'je reste ici *il ne serait pas impossible que la folie de me marier 'ne me prit.* Je voudrais à cet effet un petit mot de ta part là 'dessus. Il serait peut-être bon d'en parler au frère d'Eugénie; 'fais moi savoir le résultat, et tout est dit.' Notwithstanding the uncertainty of his prospects, and his narrow circumstances, Napoleon was at that time proud of his social position, and animated with honourable sentiments and amiable feelings towards his own family. 'Tu ne dois avoir,' he writes, 'quelque chose 'qui arrive rien à craindre pour moi. J'ai pour amis tous les 'gens de bien de quelque parti et opinion qu'ils soient . . . 'tu le sais mon ami, je ne vis que par le plaisir que je fais aux 'miens. Si mes espérances sont secondées *par ce bonheur qui ne 'm'abandonne jamais dans mes entreprises,* je pourrai vous rendre 'heureux, et remplir vos désirs.' And in another letter: Je 'n'oublierai rien de ce qui peut t'être utile, et contribuer au 'bonheur de ta vie.'* He was already, by common consent of the family, their chief and director (Joseph having conceded to his younger brother all his rights of seniority), and he accordingly assumed the control and undertook the management of all their affairs, among others, of the matrimonial ones of his sisters. Junot, whe was his most devoted adherent and intimate friend, had fallen desperately in love with Paulette (as the future Princess Pauline Borghese was called), but Napoleon would not hear of a union between two young people who were both penniless. Subsequently a man of the name of 'Billon' proposed to marry Pauline, on which he says: 'Ce citoyen n'a pas de for-'tune; j'ai écrit à maman qu'il ne fallait pas y penser.'† He tells the story of the 13 Vendemiaire, the all-important day, which laid the foundation of his prodigious fortune, with extreme simplicity and brevity. ‡ 'Enfin tout est terminé; mon 'premier mouvement est de penser à te donner des nouvelles: 'les royalistes formés en section devinrent tous les jours plus 'fiers; la convention a ordonné de désarmer la section Lepel-'letier; elle a repoussé les troupes. Menou, qui commandait, 'était, disait-on, traître; il a été sur l'heure destitué. La con-'vention a nommé Barras pour commander la force armée; les 'comités m'ont nommé pour la commander en second. Nous 'avons disposé nos troupes; les ennemis sont venus nous atta-'quer aux Tuileries: nous leur avons tué beaucoup de monde; 'ils nous ont tué trente hommes et blessé soixante; nous avons 'désarmé les sections, et tout est calme comme à l'ordinaire. Je 'ne suis nullement blessé.'§

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* September and October, 1795.
† October 18.
‡ October 2.
§ October 3.

'Tu auras appris par les feuilles publiques tout ce qui me 'concerne; j'ai été nommé par décret, Général en second de 'l'armée de l'intérieur; Barras a été nommé Commandant en 'Chef. Nous avons vaincu et tout est oublié.'* Napoleon's circumstances were now greatly improved; he was in a high military post, evidently well supplied with money, and full of occupation. 'Tout va bien. Mes occupations sont grandes, ce 'qui m'empêche de t'écrire plus au long.'† 'Ma santé est bonne, 'quoique je mêne une vie très occupée.'‡ 'Au milieu des 'occupations qui ne me laissent que peu de moments, je ne puis 't'écrire qu'un mot, mais Fesch (his uncle, afterwards Cardinal), 'que je charge de t'écrire, doit t'instruire de tout ce qui peut 't'intéresser.' 'Je ne reçois que très rarement de tes nouvelles. 'Tu ne dois pas cependant me tenir rigueur: tu sais que mes 'occupations et l'agitation perpétuelle de ma vie m'empêchent 'd'être regulier à t'écrire, mais Fesch doit le faire tous les jours.'§ He evidently availed himself of his prosperous circumstances to send immediate assistance to his family. 'La famille ne manque 'de rien: Je lui ai fait passer argent, assignats, &c.' 'Tu ne 'dois avoir aucune inquiétude pour la famille: elle est abon-'damment pourvue de tout.' He had already made Louis his aide-de-camp, and placed Jerome in a college, and he invites Joseph to come to him at Paris, with the promise of every sort of luxury and comfort. 'Tu as tort d'avoir aucune inquiétude. 'Si tu t'ennuies à Gênes, je ne vois pas d'inconvénient à ce 'que tu viennes à Paris. J'ai ici logement, table et voiture à 'ta disposition . . . . tu serais bien injuste de penser que je 'puisse un instant être indifférent sur ce qui te concerne; sois 'gai, et si tu t'ennuies, viens-toi à Paris, où tu auras le temps de 't'amuser et de faire ce qui te conviendra.'‖ He continued at Paris, trusted and employed by the government, and evincing a lively interest in the prosperity of his family. On the 9th March, 1796, he was married to Josephine de Beauharnais, and a fortnight afterwards he left Paris to take the command of the army of Italy, to which he had been appointed by the joint influence of Barras and Carnot. Very few letters passed between the brothers in the year 1796, as Joseph was generally with Napoleon during that campaign. In 1797 Joseph was Ambassador at Rome, when the letters assume an official form, and are addressed by 'Bonaparte Général en Chef de l'Armée d'Italie, à 'l'Ambassadeur de la République Française à Rome;' and they relate almost exclusively to the objects of his mission. In 1798,

* October 9. † October 20. ‡ November 9
§ November 17. ‖ December 31.

while Napoleon was in Egypt, he resumed his familiar correspondence with Joseph, then a member of the Council of Five Hundred: it manifests undiminished interest in Joseph's concerns, with expressions of his own feelings, which show that in spite of his glory and success, he was sometimes oppressed with melancholy, and not always bent on the great designs he was so soon destined to accomplish. He writes from Cairo*: 'J'attendrai, 'pour me décider sur ce que je ferai, les nouvelles de Constanti-'nople et de France . . . . aie des égards pour ma femme ' . . . . Je prie Louis de lui donner quelques bons conseils . . . . 'Je souhaite bonheur à Désirée si elle épouse Bernadotte. † Elle 'le mérite: J'envois un beau châle à Julie‡: c'est une bonne 'femme, rends-la heureuse.'

'Tu verras dans les papiers publics les résultats des batailles et 'de la conquête d'Egypte . . . . . Je puis être en France en 'deux mois. Je te recommande mes intérêts. J'ai beaucoup 'de chagrins domestiques . . . . ton amitié m'est bien chère: 'il ne me reste plus pour devenir misanthrope qu'à la perdre et 'te voir me trahir. C'est une triste position d'avoir à la fois 'tous les sentiments pour une même personne dans un seul cœur: 'fais en sorte que j'aie une campagne à mon arrivée, soit près de 'Paris, soit en Bourgogne. Je comte y passer l'hiver et m'y 'enfermer: Je suis ennuyé de la nature humaine. J'ai besoin 'de solitude et d'isolement: les grandeurs m'ennuyent; le sen-'timent est desséché, la gloire est fade à 29 ans. J'ai tout 'épuisé: il ne me reste plus que de devenir bien vraiment égoïste. 'Je compte garder ma maison. Jamais je ne la donnerai à 'qui que ce soit. Je n'ai plus que de quoi vivre. Adieu, mon 'unique ami. Je n'ai jamais été injuste envers toi; tu me 'dois cette justice malgré le désir de mon cœur de l'être.'§ In little more than a month from the date of this letter (August 22.), the revolution of the 18 Brumaire had overturned the

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* No date.

† Desirée Clary, after having been very near marrying the future Emperor of the French, was engaged to marry General Duphot, who was killed in a tumult at Rome on the very day fixed for their nuptials. She afterwards married Bernadotte, and became Queen of Sweden.

‡ Joseph's wife.

§ This melancholy tone and allusion to his domestic annoyances arose from his jealousy of Josephine, whose levity had given him offence, and at the same time an attachment to another woman, a Madame Fourès, with whom he carried on an intrigue almost all the time he was in Egypt. He was reconciled to his wife, and discarded his mistress in rather a brutal manner. (*Abrantes*, vol. iv. p. 63.; *Bourrienne*, vol. iv. p. 116.

Directory, and made Napoleon Bonaparte (under the title of First Consul) the virtual Sovereign of France. At the time of that event Joseph was at Paris, and their correspondence thenceforward only went on during the intervals of his absence on the various important missions with which he was entrusted. This revolution had been hailed with approbation and delight, and Napoleon was received by all classes as the deliverer and saviour of the country. The government which he overthrew had become both contemptible and odious. The Directory had enjoyed a brief popularity when the revolution of Thermidor put an end to the sanguinary despotism of Robespierre and the Reign of Terror; but those dreadful times were forgotten, while the corruption, tyranny, and incapacity of the government excited general indignation and disgust. It had lasted four years, during which a deplorable scene of confusion was presented, with less cruelty, but greater anarchy than under the preceding government. People were not, indeed, forced to take assignats under pain of death, but nobody was paid at all. The armies were in a state of nudity and starvation, and victory had deserted their standards. An intolerable feeling of uneasiness prevailed, and the government endeavoured to redeem its weakness by the adoption of arbitrary and vexatious measures.* Napoleon appeared as if sent by Heaven to redress the wrongs and repair the misfortunes of the French nation. So immense was the catalogue of evils which he had to redress, such an abundance of oppressions and spoliations to put an end to, that his assumption of despotic power was regarded without jealousy or apprehension, and the healing and beneficent acts of his discretionary authority were received with boundless satisfaction and gratitude. When he took on himself to cancel the decrees of tribunals, or the verdicts of juries, public opinion sanctioned such acts, and regarded his interference as supplementary and corrective of the law. History furnishes no example of a position like his — in the prime of life, regarded with universal admiration and confidence, he came in the plenitude of a vivacious ambition, with a mission to terminate the long reign of bloodshed, proscription, and pillage, and to restore the prosperity, the happiness, and the glory of France. His brilliant military exploits, his skilful negotiations, his romantic career, and the miraculous fortune which ever attended him, all contributed to the general fascination. At Paris he was the object of a curiosity and enthusiasm which per-

* Thiers' Consulat et Empire, vol. i. b. i. p. 3.

petually followed him *; and grave and serious men, as well as proud high-born women, yielded to the seduction of his heroic character, his gracious manners, and his original ideas. † Joseph was employed by the First Consul during a considerable part of the years 1800, 1801, and 1802, in negotiating the treaties of Mortfontaine, Luneville, and Amiens, when their correspondence was almost entirely political, but intermixed with a few familiar letters. In 1803, Napoleon was very anxious to make Joseph Chancellor of the Senate, an appointment which he strenuously resisted; he entreats his brother not to force this high office upon him, which would not suit his habits, and would destroy all his happiness. 'What you require of me (he writes) is im-'possible, or I should certainly do it. The affection you show 'me makes me unhappy, without shaking my resolution. My 'conscience prescribes to me my duty, and leaves me no room 'for deliberation. You reproach me for sacrificing your interest, 'and that of the State, to my own habits and the moderation of 'my character. If, for the misfortune of France, you should be 'obliged to absent yourself from the continent, I will engage to 'occupy any post, however dangerous, that you may be pleased 'to confide to me; and I trust, by my integrity and resolution, to 'render myself not unworthy of you.'‡ And he concludes by an appeal to his generosity to release him from the onerous dignity which it was sought to impose upon him. During the greater part of the years 1803 and -4 the brothers were together; which is to be regretted, because we might otherwise have had confidential letters from Napoleon relating to many interesting and important transactions which would have been the more valuable from being written at the time of their occurrence. The war between England and France broke out afresh on the 16th of May, 1803, and very soon after the camp at Boulogne was formed, and the immense naval and military preparations were begun for the projected invasion of England. On the 18th May, 1804, Napoleon was declared Emperor, and Joseph appointed presumptive heir to the throne. Joseph was excused from being Chancellor of the Senate, but obliged to put on an uniform, and (though totally ignorant of military affairs) to take

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* 'Thee Saviour thee, a nation's vows confess,
And never satisfied with seeing bless;
Swift unbespoken pomps thy steps proclaim,
And stammering babes are taught to lisp thy name.'
*Absalom and Achitophel.*

† Villemain's Souvenirs Contemporains, M. de Narbonne, chap. vii. 82. *et seq.*)

‡ Joseph to Napoleon, September 18. 1803.

the command of a regiment, to which he seems to have submitted in his usual spirit of passive obedience to the Emperor's will.

From the moment of his ascending the throne, Napoleon, though he continued to confide in Joseph as heretofore, dropped all familiarity in his epistolary commerce with his family. During his absence from Paris in 1805, he left the administration of the government in the hands of Joseph, who remained there till a few days after the battle of Austerlitz, and his appointment to the command of the army destined to conquer Naples. Joseph (unlike his brother) was simple and unostentatious in his habits, and preferred the pleasures belonging to social equality to the grandeur of imperial rank; he was somewhat of a Sybarite, and far from indifferent to luxuries and enjoyments, both physical and intellectual, but he had very little ambition, and accepted the greatness that was thrust upon him much more in deference to Napoleon's will, and in order to serve him in his great designs, than for his own satisfaction and pleasure. He writes to Regnauld de St. Jean d'Angely*: — 'You are one of the few people who know me well enough to 'be certain that the title I best merit, is likewise that which 'I prefer. Address me, therefore, as an old and faithful friend, 'and be assured that the truth and generosity of my character 'forbid my regarding that man as my friend who, in his intimate communications with me, should treat me otherwise than 'as his equal. In their private relations, men should be estimated according to their real worth, and it is because, "Je '"crois valoir mieux que mes titres que je n'en veux pas de '"vous," and from my other real friends. And when I see any 'two of them treat me otherwise than as they treat each other, I 'infer that their regard for me is at an end.' Very different were the sentiments of Napoleon, who delighted in the trappings and paraphernalia of royalty. While he was courting Josephine he used to make her tell him anecdotes about Versailles, and the Court of Louis XVI.; when raised to the throne he chose to be a Cæsar after the manner of Diocletian, rather than a Cæsar like Augustus.† He would, perhaps, have been more popular and more politic if he had contented himself with being the citizen chief of a republic, uniting in his own person all the scattered elements and functions of sovereignty, giving laws to a willing people, and demanding no homage but that which his genius and his services could not fail to command: but his ambition was of a more vulgar stamp; he was impatient to take his

* June 25. 1804. † Abrantes, iii. p. 314.

place amongst the ancient dynasties of Europe, and to surround himself with the traditional pomp, and the ceremonious etiquette of the Bourbon kings. His brothers were regarded by him only as the first of his subjects, and Joseph, who was the one for whom he felt the greatest affection, and on whom he relied the most, dropped all fraternal familiarity, and ever afterwards addressed him in terms of profound respect and humility, from which he did not venture to depart even when he ascended the thrones of Naples and of Spain. While the preparations for the invasion of England were going on, Napoleon was engaged in remodelling Europe and aggrandising his enormous power; he originally intended to erect the Italian republic into a kingdom, and to make Joseph king of it, but Joseph declined because he would not give up his right of succession to the empire; Napoleon then resolved to place the crown on his own head, and to appoint Eugene Beauharnais Viceroy. On the 26th May, 1807, he was crowned King of Italy at Milan, where he inaugurated a government, which, however arbitrary, and in some respects oppressive, was on the whole the best and the most popular which the Italians had for a long time enjoyed. While he was creating kingdoms and extending his dominions, his capacious mind was never diverted from its paramount object — the invasion of England. It was in the beginning of March, 1805, that he devised the prodigious plan of concentrating his naval forces, so as to obtain a temporary command of the Channel, which was so skilfully organised that nothing but a series of accidents and disasters (which could neither have been foreseen nor guarded against) prevented its success. Unfavourable weather, the inferiority of the French to the English naval commanders, and particularly the action of Sir R. Calder off Ferrol, saved England from the invasion which a little more good fortune on the part of Napoleon would probably have enabled him to accomplish. When he found his plans finally and irretrievably deranged, and that the new coalition which Mr. Pitt had organised, was prepared for war, he deliberated for a few days, and then, rejecting the advice of Admiral Decrès, to adjourn the invasion of England till the winter, he resolved to abandon that design altogether, and to march at once into Germany. With wonderful expedition and a profound knowledge of tactics, he conceived the whole plan of the ensuing campaign, which was executed with corresponding rapidity and precision. The Emperor left Paris on the 24th September, to put himself at the head of his army, and during the campaign the correspondence between the brothers was incessant.

The Emperor seems to have been very apt to find fault, and

to listen to any tales that were told him, without ascertaining whether they were true or false. Having reproved Joseph for giving money to some of the troops (at Boulogne), the latter denies the charge, and writes in this tone of humble remonstrance: — 'I have been hurt at finding that the only object 'of Y. M.'s letter, was concerning a matter on which you have 'been led into error. I have done my best to please you, and 'am impatient for Y. M.'s next letter, in the hope of its being 'more consolatory, and more in accordance with what I believe 'to be your real sentiments towards me.'

While the Emperor was conducting his brilliant campaign of 1805, and Joseph was at the head of the government at Paris, their correspondence was very active. Joseph, on hearing of his great successes, expresses his admiration at the exactitude with which H. M. executed all that he designed, and reminds him of having predicted at Boulogne, that he should enter Vienna on the 9th November.

Napoleon writes from Schœnbrunn, complaining of Bernadotte and of Massena, and says the former 'made him lose a day, 'and on a day may depend the fate of the world.' He desires Joseph will give Massena a hint that he is dissatisfied with him. 'Cela aura l'avantage d'exciter son zèle, et peut-être aussi d'em-'pêcher les désordres qui commencent dans cette armée. Je sais 'qu'on a imposé une contribution de 400,000 fr. a Vérone. Mon 'intention est de rendre si riche les généraux et officiers qui 'm'ont bien servi que je n'entends pas qu'ils déshonorent par 'la cupidité le plus noble métier en attirant la déconsidération 'du soldat.'* In reply to a letter from the Emperor, announcing the beginning of negotiations for peace, Joseph informs him that there is a general desire at Paris that peace may be concluded†; this expression of popular opinion seems to have offended his Majesty, for he writes; — 'Mon Frère . . . Je n'ai point cou-'tume de régler mes politiques sur les rumeurs de Paris, et je 'suis fâché que vous y attachiez tant d'importance. Mon peuple 's'est bien trouvé dans toutes les circonstances de s'en fier à 'moi, et la question est aujourd'hui trop compliquée pour qu'un 'bourgeois de Paris puisse la connaître . . . . Je ferai la paix 'lorsque je croirai de l'intérêt de mon peuple de la faire, et les 'criailleries de quelques intrigants ne l'accéléreront ni ne la 'retarderont d'une heure. Mon peuple sera toujours unanime 'quand il saura que je suis content, parcequ'il sentira que c'est 'la marque que ses intérêts sont à couvert. Le temps où il 'délibérait dans les sections est passé . . . . . Je donnerai s'il

* November 15. 1805. † December 7. 1805.

'le faut encore plus d'une bataille pour arriver à une paix qui me 'donne une garantie. Je ne donne rien au hasard: ce que je 'dis, je le fais toujours ou je meurs.'* This is his abrupt announcement of his intentions about Naples:—'I mean to take 'possession of the kingdom of Naples, and have named you 'Commander-in-chief of the army of Naples. Set off in forty 'hours after you receive this letter, and let your first letter 'inform me that you have entered the city, and driven the per-'fidious court out of it.'†

In the midst of these important affairs, the Emperor disposes of various members of his family by making matrimonial alliances for them without asking their consent; says he has demanded the hand of the Princess Augusta of Bavaria for Prince Eugene‡, and that of another princess for Jerome; and Joseph is to let him know if he can depend on that young man's compliance with his wishes. He has also (he tells Joseph) affianced his eldest daughter to a little prince, who will one day become a great one; and orders him to impart the marriage of Prince Eugene to Madame Mère.§

The Neapolitan Government had concluded a treaty of neutrality with France, which, after the battle of Trafalgar, and the formation of the new coalition, it was emboldened to break, and to admit several thousand English and Russian troops into its dominions.‖ Indignant at this breach of faith, the Emperor, immediately after signing a treaty with Russia, decreed the dethronement of the King of Naples, and Joseph, with the title of his Lieutenant, proceeded to effect the conquest of the kingdom, and expel the Bourbons. Before he reached Naples Napoleon wrote him word that he had resolved to replace the Bourbons by a Prince of his own family; himself, if he was

* December 15. 1805. † December 31. 1805.

‡ She was already affianced to another suitor, but this intended alliance was set aside.

§ December 31. 1805.

‖ Napoleon had exacted a treaty of neutrality from the Marquis de Gallo at Paris, and instructed M. Alquier (his minister) to force the wretched King Ferdinand to ratify it. With equal cowardice and treachery, the Neapolitan Government delivered a formal ratification of the treaty to M. Alquier, and at the same moment placed in the hands of the Russian minister a written declaration that the convention had been extorted from them by threats, that they were resolved not to adhere to it, and called on the Russians and English to repair to Naples as if no such transaction with the French Government had taken place. (See *Sir H. Bunbury's Narrative of Military Transactions in the Mediterranean.*)

so disposed, some other, if it did not suit him.* On returning to Paris the Emperor conveyed to Joseph warm acknowledgments for his conduct while left in the administration of the government, together with a present of his portrait, and assurances of his friendship.† Joseph made no difficulty about accepting the Crown of the Two Sicilies, as he was not thereby obliged to resign his contingent right of succession in France, and told the Emperor to dispose of him in whatever way he deemed best, for himself and for the State. Napoleon gave him ample and detailed instructions as to his whole conduct, civil and military, particularly recommending him to be very firm, to prevent gross pillage, and not to be sparing of his person. 'Croyez à mon amitié. N'écoutez pas ceux qui 'voudraient vous tenir loin du feu; vous avez besoin de 'faire vos preuves s'il y a des occasions, et posez vous ostensi-'blement. Quant au vrai danger, il y en a partout à la guerre.'‡ He soon after writes a letter§ full of French as well as Neapolitan affairs, and very characteristic. 'Je suis surpris . . . . 'de la pénurie de vos services. Voilà le résultat de la conduite 'des généraux qui ne pensent qu'à voler: tenez-y bien la 'main. Je ne vous demande qu'une chose: soyez bien le 'maître . . . . . Marchez hardiment: tout ce que vous ferez 'pour améliorer le service de votre armée sera dans mon sens. '. . . . . A votre entrée à Naples faites une proclamation 'pour déclarer que vous ne souffrirez qu'aucune contribution 'particulière soit levée; que l'armée en général sera récompensée, 'et qu'il n'est pas juste que quelques individus s'enrichissent 'des travaux de tous . . . . Je suis fort content de mes affaires 'ici; il m'a fallu beaucoup de peine pour les arranger, et pour 'faire rendre gorge à une douzaine de fripons, à la tête desquels 'est Ouvrard, qui ont dupé Barbé Marbois à peu près comme le 'Cardinal de Rohan l'a été dans l'affaire du collier . . . . . 'J'étais bien résolu à les faire fusiller sans procès, grace à Dieu je 'suis remboursé. Cela n'a pas laissé de me donner de l'humeur. 'Je vous dis cela pour vous faire voir combien les hommes sont 'coquins. Vous avez besoin de savoir cela, vous qui êtes à la 'tête d'une grande armée et bientôt d'une grande administration. 'Les malheurs de la France sont toujours venus de ces misérables. ' . . . . J'ai ici M. d'Haugwitz‖ . . . . Cette cour de Prusse 'est bien fausse et bien bête . . . . . Je prends le plus 'grand intérêt à votre prospérité, et surtout à votre gloire:

* Stutgard, January 19. 1806.
† January 27.
‡ January 31.
§ February 3.
‖ Prussian ambassador.

'c'est dans votre position le premier besoin; sans elle la vie ne 'peut avoir aucune douceur.'* Marshals Massena and St. Cyr had been given to Joseph to direct his military operations. St. Cyr had found a pretext for returning to Paris, but the moment he presented himself at the levée the Emperor ordered him back to Naples. 'Je n'ai voulu rien entendre de lui: tenez tout le 'monde un peu rude.' . . . . . He then desires to be furnished with exact accounts of the states of the troops; adding, 'les états 'de situations des armées sont pour moi les livres de littérature 'les plus agréables de ma bibliothèque, et ceux que je lis avec 'le plus de plaisir dans mes moments de délassement.'† At the same time he urges that not a moment should be lost in taking possession of Sicily.‡ Joseph entered Naples on the 15th of February, well received by the people, many of whom he describes to be still trembling at the name of the deposed Queen.‡ Everything that could be removed had been carried off by the old Court, and everything else destroyed, so that the army and the government were equally destitute; and he implores the Emperor to come to his aid, incessantly repeating those prayers, but with very inadequate success. He says that a good administration might make it a very prosperous country, though everything remains to be done. Joseph was sincerely anxious to establish a just and well-regulated government, and aspired to conquer the attachment of his new subjects by improving their condition, and ruling in a spirit of mildness and indulgence. He shrank from adopting the severe and repressive measures which Napoleon was continually enjoining, together with many reproaches for the laxity and ill-timed lenity to which Joseph eventually did find himself unable to adhere with safety. Notwithstanding the multiplicity of his affairs, the Emperor found time to write constantly to the new King, and to give him detailed instructions and advice upon every part of his civil administration, as well as his military operations. Napoleon's letters are full of invectives against the plunder and *gaspillage* of which

* February 7.

† The laborious habits of Napoleon are shown by a letter from M. de Meneval, his secretary: he says: 'L'Empereur et l'Impératrice se 'portent également bien: l'Empereur travaille prodigieusement: il 'tient jusqu'à trois et quatre conseils par jour depuis huit heures 'du matin qu'il se lève jusqu'à quatre ou trois heures du matin qu'il 'se couche.'

‡ February 9.

§ She was a bold bad woman, profligate, perfidious, and cruel, whose policy consisted in dark designs, and unprincipled measures. (See *Sir H. Bunbury's Narrative*, p. 10.)

(amongst many examples) the principal was that of Massena, who was equally avaricious and unscrupulous, but who seems to have been forced to disgorge some of his ill-gotten gains. 'Naples est si loin, que je n'ose vous promettre d'aller jusque-là, 'mais il n'y a pas de mal à l'annoncer tant pour l'armée que pour 'le peuple du pays . . . les embarras dans lesquels vous vous trou- 'vez arrivent toujours. Je vous recommande de ne pas marcher 'sans gardes . . . Mettez bien ceci dans vos calculs, que 15 'jours plus tôt ou plus tard vous aurez une insurrection: c'est 'un évènement qui arrive constamment en pays conquis . . . . 'J'imagine que vous avez des canons dans votre Palais, et que 'vous avez pris toutes les mesures pour votre sureté. Vous ne pou- 'vez trop veiller sur tout votre monde: les Français sont d'une 'confiance et d'une légèreté sans exemple . . . tous les embarras 'que vous éprouvez, on les éprouve toujours dans des circon- 'stances pareilles aux vôtres. Désarmez, désarmez, mettez de 'l'ordre dans cette immense ville . . . calculez que vous aurez 'une émeute ou une petite insurrection. Je désirerais beaucoup 'vous aider de mon expérience dans de pareilles matières. . . . 'Mon Frère, faites fusiller impitoyablement les lazzaronis qui 'donnent des coups de stylet. Ce n'est que par une salutaire ter- 'reur que vous en imposerez à la populace italienne . . . . Les 'sentiments qui vous naîssent à votre entrée à Naples, naîssent 'toujours à la première entrée en pays conquis . . . . encore une 'fois, n'attendez pas d'argent de moi.'* The throne of Naples was not a bed of roses. Joseph had exchanged the pleasant and luxurious existence of Mortfontaine and Paris for a life of care, labour and danger; advised, or in other words, commanded by the Emperor to raise vast sums of money to pay his troops regularly, and to satisfy his military chiefs, when the country was exhausted and impoverished, and the revenue utterly inadequate to meet the expenditure, it is no wonder if the much-enduring monarch manifested feelings of discouragement and annoyance, often almost amounting to despair. It was impossible to satisfy Napoleon, and at the same time conciliate his own subjects; and it was in vain that he represented the condition of a country in which commerce was extinct, the ports blockaded, and whence the principal proprietors had fled, taking with them all the coin they could lay their hands on. Queen Caroline had extorted an anticipation of the revenue, and there was an immense population in a state of hunger and nakedness, who had heretofore existed in great measure on the bounty of the Court. In answer to such representations the Emperor writes: — 'Mon Frère, je

* Mars 2.

'vois que par une de vos proclamations vous promettez de 'n'imposer aucune contribution de guerre; que vous défendez 'que les soldats exigent la table de leurs hôtes. A mon avis 'vous prenez des mesures trop étroites. Ce n'est pas en cajolant 'les peuples qu'on les gagne, et ce n'est pas avec ces mesures 'que vous vous donnerez les moyens d'accorder de justes récom-'penses à votre armée. Mettez 30 millions de contributions sur 'le royaume de Naples: payez bien votre armée . . . Quant à 'moi, il serait par trop ridicule que la conquête de Naples ne 'valût pas du bien-être et de l'aisance à mon armée. Il est 'impossible que vous vous teniez dans ces limites-là. Appuyez-'vous, si vous voulez, d'un ordre de moi . . . . . l'établissement 'd'une imposition ne fera pas l'effet que vous imaginez: tout 'le monde s'y attend, et la trouvera naturelle: c'est ainsi qu'à 'Vienne, où il n'y avait pas un sou, et où l'on espérait que je 'ne mettrais pas de contribution, quelques jours après mon 'arrivée, j'en ai mis une de cent millions: on a trouvé cela 'fort raisonnable. Vos proclamations au peuple de Naples ne 'sentent pas assez le maître: vous ne gagnerez rien en caressant 'trop. Ces peuples de l'Italie, et en général les peuples, s'ils 'n'aperçoivent pas de maîtres, sont disposés à la rebellion et 'à la mutinerie. Pénétrez-vous bien que si les circonstances 'n'ont pas voulu que vous ayez de grands manœuvres militaires 'à faire, il vous reste la gloire de savoir nourrir votre armée, 'et tirer du pays où vous êtes des ressources de toutes espèces; 'cela fait une grande partie de l'art de la guerre.' *

A few days afterwards the Emperor sends a remittance, saying it is all he can afford, in consequence of the prodigious expense of his own armies and fleets, and he again reproaches Joseph with the lenity of his administration. 'Vous administrez 'trop mollement le royaume de Naples. Ce n'est pas la manière 'de conduire ces peuples . . . . vous montrez trop de douceur: il 'est nécessaire de ne pas commencer votre administration molle-'ment . . . prenez les biens de tous ceux qui ont suivis la cour.' †

On the 13th of April Joseph received the Imperial decree, by which he was proclaimed King of the Two Sicilies, up to which period he had governed the kingdom in the name, and as the lieutenant, of the Emperor; in this act the right of succession to the crown of France was expressly reserved to him, with the condition, however, that the two crowns should never be united on one head. M. Miot (Councillor of State) had been sent from Paris to Naples a few days before this announcement, and with him the Emperor had had a conversation in which he

* Mars 8. † Mars 12.

expressed his intentions with regard to his brother, and by which it would appear that he was not even then quite sure of Joseph's acceptance of the Crown:—'Vous allez partir,' he said, 'pour rejoindre mon frère: vous lui direz que je le ferai 'roi de Naples, qu'il restera grand Electeur, et que je ne 'changerai rien à ses rapports avec la France. Il comprendra 'qu'il ne faut ni hésitation, ni incertitude: s'il refusait, je me 'verrais forcé de mettre la couronne de Naples sur une autre 'tête. Joseph doit bien penser que tous les sentiments d'affec-'tion cédent actuellement à la raison d'état. Je ne puis recon-'naître pour parents, que ceux qui me servent. Ce n'est point 'au nom de Bonaparte qu'est attachée ma famille, c'est au nom 'de Napoléon. Je ne puis aimer aujourd'hui que ceux dont je 'fais cas, et qui servent mes projets: qu'il sache donc oublier 'lorsqu'il le faut tous ces biens, tous ces rapports d'enfance; 'qu'il se fasse estimer, qu'il acquière de la gloire: je donne à 'mon frère une belle occasion: qu'il gouverne sagement et avec 'fermeté ses nouveaux états. Qu'il se montre digne du trône 'que je lui ai donné . . . mais ce n'est rien d'être à Naples '. . . . il faut conquérir la Sicile. Qu'il pousse cette guerre 'avec vigueur. Qu'il paroisse souvent à la tête des troupes '. . . . qu'il soit ferme. C'est le moyen de se faire aimer de 'ses soldats. . . . Vous avez entendu je ne puis plus avoir de 'parents dans l'obscurité. Ceux qui ne s'éléveront pas avec 'moi, je ne pourrai pas les considérer comme étant de ma 'famille. J'en fais une famille de rois, qui se rattacheront à un 'système fédératif.' Such was the stern and inexorable policy which he adopted towards his family; he was content that their 'little barks' should

'Attendant sail,
'Increase the triumph, and partake the gale.'

But in becoming the sovereigns of other nations, they were to be still his subjects, and the interests and prosperity of those nations were always to be subordinated, and when necessary sacrificed, to the grandeur of France, and the advancement of his ambitious designs. Napoleon, no doubt, really desired and intended that the States he bestowed on his brothers should be well and wisely governed, as far as was consistent with their allegiance to France, and to the requisitions of his system; but the two objects were found to be totally incompatible, and eventually Napoleon had more trouble, embarrassment and annoyance in dealing with the members of his own family than with any of the vanquished rulers who had been forced to bend their necks under his yoke.

This correspondence presents innumerable proofs of the love of

order and financial regularity, as well as the indignation against peculation and plunder, which distinguished the Emperor; he repeatedly enjoins Joseph to punish the offenders—not to spare even the generals, and to compel Marshal Massena himself to disgorge his discreditable gains:—'J'ai des états détaillés des 'sommes que MS.* et d'autres officiers ont reçues. J'ai de- 'stitué S., qui a été le bas intrigant de toute cette affaire. . . . . 'Ce n'est que joindre le ridicule au mal de la chose, que de dire 'qu'on a reçu de l'argent en cadeau des gouvernements qu'on 'venait d'établir. . . . . Ayez soin que les états en règle en 'soient envoyés par le payeur à la trésorerie. Il y a des formes 'dont moi-même, je ne sois pas exempt, et c'est là le palladium 'de l'état.'†

At the time when Joseph arrived at Naples nothing could be more odious and unpopular than the government he supplanted. The Republic (established seven years before), which had enjoyed an ephemeral existence of six months, had left behind it some liberal ideas, and a considerable desire for constitutional and administrative reforms.‡ The sanguinary reaction which took place on the downfall of the Republic, and the perfidy and cruelty of the Court (instigated by the Queen) on its restoration, had not been forgotten; and these recollections, together with the wretched state of all the civil institutions of the country, made the bulk of the nation regard the French as liberators rather than invaders, from whom the desired alterations and improvements in their social condition might be expected. The feudal and monastic systems had been preserved with all their abuses. The financial administration was ruinously vicious and inefficient, the police intolerably tyrannical and cruel. Individual liberty did not exist. The chief of the police, who likewise presided over the criminal justice of the kingdom, exercised unlimited power. He annulled at pleasure the decrees of the tribunals, inflicting fines, corporal and even capital punishment, at his discretion, without any appeal from his sentences. None were secure from arbitrary arrest, and the prisons (placed in the most populous quarters of the city) were subject to infectious diseases from the insalubrity of the air. The jailors were generally old police officers (Sbirri), men of brutal characters and habits, who sported with the sufferings and misery of the wretched men under their charge. No registers being kept, many criminals were forgotten, and thereby escaped punishment, while the

* We do not know who 'S.' was.
† April 10.
‡ From January to June, 1799.

innocent often remained for years confounded with the malefactors, and were neither brought to trial nor set at liberty. The financial system was at variance with every sound principle of political economy, partial in its character, and oppressive to the mass of the people, without being advantageous to the favoured classes, or profitable to the State. Joseph was sincerely desirous of effecting a thorough reformation of these various abuses, and lost no time in making the attempt. He found it easier, however, to pull down the old edifice than to erect a new one, affording all the benefits he wished to bestow on his subjects. Though by his laws he accomplished great improvements in almost every branch of administration, the old abuses were in many instances replaced by new ones, which were the more obnoxious because the Neapolitans were unaccustomed to them. The numerous army he was obliged to maintain, by multiplying the public charges, and occasioning great license and disorders, aggravated the privations and sufferings of the people. The new laws promised security, personal inviolability, and justice; but these promises were very imperfectly kept, and courts martial and extraordinary tribunals exercised a jurisdiction not less arbitrary, and often as severe, as that of the ancient police. The wise alterations introduced in the fiscal system would have commanded general approbation, if the collection of the revenue, and the partition of taxation, had not been entrusted to corrupt and dishonest agents, who neglected their highest duties, made a traffic of their functions, and were guilty of the most flagrant acts of partiality and injustice. Some mistakes, too, were made in the monastic reforms (not the least necessary and important) which prevented all the contemplated benefits being derived from them, both to education and to literature and science.* While Joseph was occupied with these more congenial cares, Napoleon kept urging on military operations, and measures of severity and repression. Three great objects remained to be accomplished;—the reduction of the fortress of Gaeta, the suppression of the Calabrian insurrection, and the expedition against Sicily;—all of which engaged the attention of the Emperor, who sent constant and minute instructions for carrying them on. He writes:—'Mon 'Frère, je reçois votre lettre du 5 Avril. Je vois avec plaisir 'qu'on ait brulé un village des insurgés. Des exemples sévères 'sont nécessaires. J'imagine qu'on aura fait piller le village 'par les soldats. On doit ainsi traiter les villages qui se 'révoltent. C'est le droit de la guerre, mais c'est aussi un

* Orloff, Mém. sur Naples, tom. iii. ch. 10.

'devoir que présente la politique.'* Notwithstanding this, and many similar passages in his letters, we think that Napoleon was not of a cruel disposition, — that is, that he had none of those fierce and vindictive passions which find a gloomy pleasure in the infliction of pain and evil. On the other hand, he was reckless of human life, and indifferent to the happiness or misery of his fellow-creatures, never for a moment allowing any moral or humane considerations to interfere with his policy, or any object he had in view. He was not unlike Cromwell in this respect, and there is great similarity, both in act and motive, in the storms and massacres of Tredagh and Wexford in 1649, and the storm and sack of Pavia in 1796. In both cases the object was to strike terror, and ensure future submission, and in both frightful butcheries were perpetrated by orders of the commanders. But Napoleon was generally inclined to protect the inhabitants of the countries he invaded, and to repress and punish the avarice and extortion of his soldiers. He writes: — 'Toutes les 'mesures que vous avez prises pour l'établissement des com- 'mandants militaires sont bonnes; mais tenez la main à ce que 'les généraux ne volent pas. S'ils se conduisent arbitrairement, 's'ils vexent et dépouillent les citoyens, ils soulèveront les pro- 'vinces. Il faut frapper hardiment, destituer honteusement, et 'livrer à une commission militaire le premier qui volera.'†

Joseph, king as he was, never ventured to do any thing without first taking the pleasure of the Emperor, even in matters relating exclusively to his own affairs; and he requests H. M. will inform him of his intentions as to the royal arms of Naples, the livery of his household, the national flag, colours, and cockade. Sometimes he writes with a mixture of flattery and *épanchement*. 'Aujourd'hui je reconnais la 'justice des principes que j'ai souvent entendus de la bouche 'de V. M., et j'avoue que l'expérience des choses me prouve 'combien il est vrai qu'il faut tout voir par soi-même; qu'il 'ne faut jamais perdre une minute; qu'il ne faut compter sur 'l'activité de personne; que tout est possible avec une ferme 'volonté de la part du chef. Je dis dix fois par jour; 'L'Empereur avait bien raison. Je ne sais pas pourquoi 'j'écris ceci; mais ayant conservé l'heureuse habitude d'écrire 'à V. M. de premier mouvement. . . . Elle a aussi l'habi-

* Avril 21.—Not long after, in the middle of a letter on various matters, he says, 'J'ai vu avec plaisir que le Marquis de Rhodio 'avait eté fusillé.' But this execution, which gave so much pleasure to Napoleon, seriously annoyed Joseph, who considered it an illegal and atrocious act. It was perpetrated in his absence by Salicetti.

† Avril 26.

'tude de trouver tout bien; elle ne peut pas méconnaître les 'élans involontaires de mon cœur.' *

Joseph had asked for instructions as to the revival of the orders of knighthood, particularly that of St. Januarius, established by Charles III. Napoleon replies. 'J'avais pensé 'comme vous à l'ordre de St. Janvier, mais il faut attendre 'encore. . . . Il me paraît par trop religieux. Au premier 'coup d'œil, je n'aime pas un ordre qui se rattache aux 'Bourbons ses fondateurs. Dans les institutions il faut créer et 'se mettre sur-le-champ autant que possible en harmonie 'avec le siècle. On ne peut pas entendre en Europe le nom 'de St. Janvier sans rire: il faudrait trouver quelque chose 'qui imprimât le respect et que l'on fût tenté d'imiter.' †

Joseph had written a flourishing account of his great influence at Naples, asserting that the opinion of the country was generally favourable to him, from the Duke d'Ascoli, who had been King Ferdinand's Minister of Police, down to the humblest Neapolitan; that he could command them all, for they were all convinced of his good intentions. The reply of the Emperor is very striking. 'Mon Frère, vous ne connaissez 'pas le peuple en général, moins encore les Italiens. Vous 'vous fiez beaucoup trop aux démonstrations qu'ils vous 'font. Prenez bien vos précautions, mais sans alarmer; au 'moindre mouvement qui aurait lieu sur le continent, c'est-à-'dire au moment où vous auriez besoin des preuves de leur 'attachement, vous verriez combien peu vous pouvez compter 'sur eux. Je ne répondrai pas à ce que vous me dites des 'gardes du corps. Vous ne me croyez pas assez ignorant de 'la situation actuelle de l'esprit de l'Europe pour croire que 'Naples soit tellement philosophe qu'il n'y ait aucun préjugé 'de naissance; et si Naples se présente ainsi à vos yeux, c'est 'ainsi que se présentent tous les peuples conquis, déguisant 'leurs sentiments et leurs mœurs, et se prosternant avec respect 'devant celui qui tient dans ses mains leurs biens et leurs vies. 'Vous croyez bien qu'il y a des préjugés de noblesse à Vienne; 'et bien les familles princieres invitèrent à table des soldats; 'd'ailleurs ce que je fais est moins pour Naples que pour la 'France, où j'ai besoin de fonder une union de toutes les classes 'de citoyens, et de tous les préjugés. Quant à l'armée, j'espère 'que quand on lui aura dit que c'est moi qui l'ordonne, elle voudra 'bien le trouver bon; et je ne l'ai pas accoutumée à se mêler 'de ce que je fais. . . . . Je vous le recommande encore, 'ne vous laissez pas enivrer par les démonstrations des Napo-

* Mai 8. † Mai 21.

'litains. La victoire produit sur tous les peuples le même effet 'qu'elle produit aujourd'hui sur les Napolitains: ils vous sont 'attachés parceque les passions opposées se taisent, mais aux 'premiers troubles sur le continent, ou les 40,000 Français qui 'se trouvent dans le royaume de Naples seraient réduits à 'quelques milliers d'hommes, que la nouvelle se répandrait que 'je suis battu sur l'Isonzo. . . . vous verriez ce qui de-'viendrait ce bel attachement. Et comment cela serait-il autre-'ment? qu'avez-vous fait pour eux? Comment les connaissez-'vous? ils voient la puissance de la France, et ils croient que par-'ceque vous êtes nommé roi de Naples, tout est fini; parceque 'la nature des choses l'ordonne, parceque cela est de la 'nouveauté, et parceque cela est sans remède.'*

It is amusing to see how Napoleon's bile is stirred at the mention of Sir Sidney Smith, no doubt from the recollection of St. Jean d'Acre, and he always spoke of him with affected contempt. 'Sidney Smith est un homme facile à abuser. Je lui 'ai souvent tendu des embuscades dans lesquelles il a toujours 'donné. Quand il en aura essuyé trois ou quatre, il finira par 'se dégoûter.'† 'Ne parlez jamais de Sidney Smith. Tout ce 'qu'il demande c'est de faire du bruit, et plus vous en parlerez 'plus il cherchera à intrigailler.'‡ Napoleon continually recommends his brother to be on his guard against assassination, adding (what never was suspected) that he himself took similar precautions. 'Je vous l'ai déjà dit, et je le répète encore, vous 'vous fiez trop aux Napolitains. Je dois surtout vous le dire 'pour votre cuisine et pour la garde de votre personne. Sans 'quoi vous couriez les risques d'être empoisonné ou assassiné. 'Je désire donc bien fermement que vous gardiez vos cuisiniers 'français, que vous fassiez faire le service de votre table par 'vos maîtres-d'hôtel, et que votre intérieur soit organisé 'de manière que vous soyez toujours sous la garde des fran-'çais. Vous n'avez pas assez suivi ma vie privée pour 'savoir combien, même en France, je me suis toujours tenu 'sous la garde de mes plus surs et de mes anciens soldats. . . . 'Que vos valets de chambre, vos cuisiniers, les gardes qui 'couchent dans votre appartement, ceux qui viennent vous re-'veiller pendant la nuit pour vous remettre des dépêches, soient 'français. Personne ne doit jamais entrer la nuit chez vous 'que votre A. D. C., qui doit coucher dans la pièce qui précède

* Mai 24. † Mai 24.

‡ Mai 27.—He was not very wrong in his estimate of Sir Sidney Smith, who was very brave, but inordinately vain and accessible to flattery. (*Sir H. Bunbury's Narrative*, pp. 75. 79. *et passim.*)

'votre chambre à coucher. Votre porte doit être fermée en 'dedans, et vous ne devez ouvrir à votre A. D. C. que quand 'vous aurez bien reconnu sa voix. Lui-même ne doit frapper 'à votre porte qu'après avoir eu le soin de bien fermer celle 'de la chambre où il se trouve pour être sur qu'il y est seul et 'que personne ne peut le suivre. . . Ces précautions sont 'importantes . . . réellement elles peuvent vous sauver la vie.'* Such suspicions and precautions resemble the character and the times of Cæsar Borgia, rather than those of Napoleon, and the representation thus put before Joseph of the peril of his situation was little calculated to make his new crown sit lightly on his head. Joseph had made his entry into Naples on the 4th May, and the next day a deputation from the Senate presented to him an address by the mouth of M. Rœderer, his most trusted councillor, and a man of considerable ability, though for some unexplained reason very much out of favour with the Emperor, who, though he suffered Joseph to make him his minister, was perpetually finding fault with him. The speeches made on this occasion not only by Rœderer, but by Joseph himself, excited the displeasure of Napoleon, the expression of which was nevertheless tempered with some kindly feeling towards his brother. 'Mon Frère,—Je n'ai pas pu mettre le discours de M. Rœderer 'dans le *Moniteur*, car en vérité il n'a pas de sens. Il parle 'au nom du Sénat comme il ferait dans un article de journal: il 'me met à côté de Machiavel. . . . Je lis aussi dans votre 'discours des phrases que vous me permettrez de trouver 'mauvaises. Vous comparez l'attachement des français à ma 'personne, à celui des Napolitains pour vous: cela paraîtrait 'une épigramme; quel amour voulez-vous qu'un peuple ait pour 'vous, pour qui vous n'avez rien fait, chez lequel vous êtes par 'droit de conquête? . . . En général, dans vos actes, moins 'vous parlerez directement ou indirectment de moi et de la 'France, mieux cela vaudra. . . . . Si vous n'aviez pas 'd'armée française et que l'ancien roi de Naples n'eût pas 'd'armée Anglaise, qui serait le plus fort à Naples? Et cer-'tainement je n'ai pas besoin d'armée étrangère pour me main-'tenir à Paris. Je remarque avec peine dans votre lettre, 'qu'il y a de l'engouement, et l'engouement est très dangereux. '. . . . Vous êtes doux, modéré: vous avez un bon esprit, vous 'êtes apprécié; mais il y a loin de là à un esprit national, à 'une soumission d'attachement raisonné et d'intérêt. Ces 'nuances ne doivent pas vous échapper. Je ne sais pas pour-'quoi je vous le dis, parceque cela vous affligera, mais il faut

* Mai 31.

'que tous vos actes aient le ton de décence convenable, que 'toutes vos paroles politiques donnent une idée juste de votre 'caractère.'*

In the middle of June Napoleon became very impatient for the invasion of Sicily, and urged on the preparation of the expedition, into all the details of which he entered with his usual minuteness and precision. Although he had not long before endeavoured to inspire Joseph with some martial ardour, and had advised him to seek 'reputation at the cannon's mouth,' when the moment for action was likely to approach, his unerring good sense suggested the inexpediency of placing a man of Joseph's unwarlike disposition, and total ignorance and inexperience of military affairs, in the command of an army, and he points out, with his usual penetration, the qualities and comparative fitness of his marshals and generals (Jourdan, Massena, Verdier, and Regnier), for the different parts to be assigned to them, recommending Joseph himself to stay at home. 'Le com-'mandement des 9 mille hommes qui doivent débarquer les pre-'miers en Sicile exige un homme ferme et ayant été dans des 'grands évènements. . . . Dans le metier de la guerre, comme 'dans les lettres, chacun a son genre. S'il y avait des attaques 'vives, prolongées, et où il fallut payer de beaucoup d'audace, 'Massena est plus propre que Regnier. Pour garantir le 'royaume de toute descente pendant votre absence, Jourdan 'est préférable à Massena.' He then gives the most minute directions as to the troops to be employed and the operations, and proceeds—'Si vous aviez vraiment l'habitude de la guerre, je 'vous engagerais de passer avec les trois divisions, mais il est 'plus convenable que vous restiez à Naples; c'est jouer trop 'gros jeu, et vous n'y seriez d'aucune utilité, car enfin votre 'présence n'accroîtra pas la force de ces divisions; vous n'avez 'pas assez l'habitude de la guerre pour que le mal qu'il y aurait 'à ce que vous soyez battu, fût compensé par le bien que 'pourrait faire votre présence. . . . . Il faut aspirer au genre 'de gloire qui vous appartient, et ne pas risquer de tout com-'promettre pour courir après un genre de gloire qui n'est pas 'le vôtre. . . . . Vous n'êtes militaire que comme doit être un 'roi. . . . . Si la Sicile était moins loin, et que je me trou-'vasse avec l'avant garde, je passerais avec elle; mais mon 'expérience de la guerre ferait qu'avec ces neuf mille hommes 'je pourrais battre 30,000 Anglais. . . . . L'expédition de 'Sicile est facile parcequ'il n'y a qu'une lieue de trajet à faire, 'mais demande à être faite par un système, parceque le hasard

* Juin 8.

'ne fait rien réussir. . . . . A la guerre rien ne s'obtient que 'par calcul. Tout ce qui n'est pas profondement médité dans 'ses détails ne produit aucun résultat.'* In this letter he evinces his profound contempt for the military talents of Joseph, and his prodigious but not unreasonable confidence in his own. He had no knowledge, however, of the British troops, and was totally ignorant of the stuff of which they were made, although fated before long to find out, by disastrous experience, that his boast of what he could accomplish was only a vain fanfaronade. All this time immense preparations were making for the siege of Gaeta, and Joseph exerted himself with the utmost zeal to carry out the Emperor's instructions. On the 21st June, Napoleon notifies to him the arrival of Lord Yarmouth at Paris, with powers for making peace. Sicily presented the greatest difficulty, and Napoleon asserts that the British Government desired no better than to give up that point, and that they had deferred for six weeks to send any succours to the island, in hopes that Joseph might in the mean time have effected its reduction. Every part of this statement was false. The Whig Ministers were impressed with the paramount importance of maintaining Sicily, and had directed Lord Collingwood to detach a squadron for the express purpose of protecting the island. At no time was any question entertained by our Government of surrendering Sicily, and on the 26th June Mr. Fox instructed Lord Yarmouth to make its retention a *sine quâ non*.

In the midst of the gravest affairs of war and politics, Napoleon finds time to notice certain attempts of which he accused the Neapolitan Ministers, especially Rœderer, to lure away some of the principal actors and dancers from Paris, at which he appears to have been extremely offended. 'Cette mauvaise 'tête de Rœderer fait des siennes de toutes les manières. . . . 'Il veut aussi nous enlever nos comédiens: et sur qui croyez-'vous qu'il jette les yeux? ce n'est rien moins que sur Fleury, 'Talma.† Je n'en parle que parcequ'ils ont déclaré qu'ils ne 'pouvaient écouter ces insinuations sans y être autorisés. M. 'Rœderer ne sait donc pas qu'aucun de mes sujets ne sortira de 'France que par mon ordre?'‡ And soon after, a similar attempt on less distinguished artists, calls forth a fresh burst of indignation. 'Mon Frère,—M. Cellerier débauche les acteurs

* Juin 6.

† Fleury the best comic, and Talma the greatest tragedian in France; both super-excellent.

‡ Juin 24.

'et les actrices de Paris pour Naples. Déjà une ou deux 'actrices de l'opéra ont fait connaître qu'elles voulaient se 'rendre à Naples. Vous sentez tout ce que cette conduite a 'de ridicule: si vous voulez des danseuses de l'opéra, par Dieu 'je vous en enverrai autant que vous voudrez, mais il n'est pas 'convenable de les débaucher. C'est ainsi qu'en a agi la 'Russie; et je fus tellement choqué de cette conduite, que je 'fis écrire à l'Empereur de Russie que je lui enverrais toutes 'les actrices de l'opéra s'il vauloit, hormis cependant Madame 'Gardel.'*

While King Joseph was occupied with the siege of Gaeta, the suppression of brigandage and assassination, as well as the cares of internal administration and necessary reforms, the English were preparing for a descent on the Calabrian coast; and on the evening of the 30th June, Sir John Stuart, at the head of rather more than 5,000 men, anchored in the Bay of St. Euphemia, and effected a landing. On the 4th July he attacked and defeated General Regnier on the plains of Maida. The French army was more than 6,000 strong, with some cavalry, an arm in which the English were totally deficient. Regnier, with the usual exaggeration and inaccuracy of French official reports, in his account of the action, represented the British force to be one-third more numerous than his own, estimating the former at 8,000 infantry and 2,000 armed peasants. This defeat must have been the more provoking to Napoleon, because he had expressed great satisfaction on hearing that the British had landed, his astonishment at the fatality which had driven them to be so rash, and anticipated their annihilation as a matter of course; it is no wonder, therefore, that he soon after wrote in very bad humour, and found fault with everything and everybody, both in reference to the operations in Calabria, and to the policy adopted towards the Neapolitan people. He says, 'Les fausses dispositions faites en 'Calabre me couteront plus de monde que ne m'en a couté la 'grande armée; tout l'art de la guerre consiste dans une 'défensive bien ordonnée et extrêmement circonspecte, et dans 'une offensive audacieuse et rapide.'† The siege of Gaeta had been protracted for four months, but at last the place was obliged

* Juin 29.'—Joseph denied all these charges, and entreated the Emperor to be on his guard against the stories that were reported to him. Madame Gardel was a famous dancer.

† Juillet 28. — Joseph in reply says, 'Je ne conçois pas, que 'V. M. ne rende plus de justice à mes efforts. Si V. M. connaissait 'le pays et la véritable disposition des troupes, elle verrait que j'ai fait 'tout ce qu'elle dit que j'aurais dû faire.'

to surrender (on the 18th of July), the Prince of Hesse, who defended it with obstinate gallantry, having been wounded and put *hors de combat.** All this time negotiations for peace were going on at Paris, and the Emperor continually gave Joseph reason to expect that Sicily would be ceded to him, although it is impossible to discover on what ground he could have thought so himself. At the outset of the negotiation, Lord Yarmouth asked M. de Talleyrand whether Sicily would be demanded, to which he replied, 'You are in possession 'of it, and we do not ask it of you.' On the 19th of June, however, he informed Lord Y. 'that the Emperor had received 'reports from his brother and his generals, that Naples could 'not be held without Sicily, &c.,' and from that time the cession of the island, or its exchange for some other territory, was constantly insisted on by the French, though never admitted by the English negotiators.†

'Je crois que les négociations avec l'Angleterre n'iront pas 'à bien; elle s'est mis dans la tête de conserver la Sicile à 'l'Ancien Roi de Naples; cette clause ne peut pas me convenir.'‡ 'On négocie toujours avec les Anglais. La Sicile est toujours 'la pierre d'echoppement; cependant ils paraissent céder un 'peu.'§ It was probably the peace with Russia (signed by M. D'Oubril, but eventually not ratified by the Emperor Alexander), which led him to believe England would be terrified into this concession. 'Mon Frère,—Vous pouvez publier la 'paix avec la Russie. . . . . Un courrier qui vient de Lon- 'dres me fait penser que cette décision de la Russie a fort 'étonné les Anglais, et qu'ils ne sont pas éloignés de lacher la 'Sicile. . . . Si ces premières données se confirment, vous

* This Prince of Hesse was half crazy: he was dissolute and regardless of rules, but very brave and active, and by his courageous example, and a familiar buffoonery, which delighted his troops, he had gained great influence over them. (*Sir H. Bunbury*, p. 70.)

† The French first proposed a kingdom patched up out of parts of Albania and Dalmatia, and afterwards the Balearic Islands (which were to be taken from Spain), as an indemnity to King Ferdinand.

‡ Juillet 15.

§ Juillet 21.—The only apparent ground for this expectation is a dispatch of Mr. Fox (18th July), in which he says, (referring to the proposals of an exchange for Sicily), 'if there could, with the 'consent of his Sicilian Majesty, be any question of an exchange for 'Sicily, by the creation of a new State, this could only be done by 'annexing to Dalmatia the whole of Istria, and a large part if not 'the whole of the Venetian States, including the City of Venice itself. 'In some such shape as this, it is possible the proposition might be 'rendered not wholly unacceptable to his Sicilian Majesty.'

'aurez le plus beau royaume du monde; et j'espère que par la 'vigueur que vous mettrez à vous former une armée et un 'escadron, vous m'aiderez puissamment à être *maître de la Méditerranée, but principal et constant de ma politique.*'* 'Les négo-'ciations avançent toujours. Il paraît que la Sicile est accordée, 'et n'est plus un obstacle. Il serait possible qu'avant dix 'jours tout cela fût à vous.'† Four days later he writes: 'Vous 'aurez Naples et Sicile; vous serez reconnu par toute 'l'Europe, mais si vous ne prenez pas des mesures plus vigou-'reuses que celles que vous avez prises jusqu'ici, vous serez 'détroné honteusement à la première guerre continentale. 'Vous êtes trop bon, surtout pour le pays où vous êtes. Il faut 'désarmer, faire juger, et déporter.'‡ 'N'employez pas les 'troupes Napolitaines qui vous abandonneront si j'étais battu 'en Italie. Il faut calculer ainsi: employez des troupes qui ne 'vous abandonneront pas. . . . Les Napolitains patriotes, et 'qui ont êté en France lors de la révolution d'Italie seront 'fidèles. Je ne parle pas de l'armée française puisque le destin 'de la France ne pouvait être mis en balance que par l'Europe 'réunie, &c. &c. . . . Le destin de votre règne dépend de 'votre conduite à votre retour de Calabre. Ne pardonnez 'pas; faites passer pas les armes au moins six cents revoltés. 'Ils m'ont égorgé un plus grand nombre de soldats. Faites 'brûler les maisons de trente des principaux chefs de villages 'et distribuez leurs propriétés à l'armée; desarmez tous les 'habitans, et faites piller cinq ou six gros villages de ceux 'qui se sont les plus mal comportés. Recommendez les soldats 'de bien traiter les villages qui sont restés fidèles. . . . Vous 'voyez la terreur qu'inspire la Reine; certes je ne vous pro-'pose pas son example à imiter, mais il n'en est pas moins 'vrai que c'est une puissance. Si vous vous conduisez avec 'vigueur et énergie, les Calabrais et autres ne bougéront de 'trente ans. Je finirai ma lettre comme je l'ai commencée. Vous 'serez roi de Naples et de la Sicile. Vous aurez trois ou 'quatre ans de paix. Si vous vous faites roi fainéant; si vous 'ne tenez pas les rênes d'une main ferme et decidée; si vous 'écoutez l'opinion du peuple qui ne sait ce qu'il veut; si vous 'ne détruisez pas les abus et les anciennes usurpations, de 'manière que vous soyez riche; si vous ne mettrez pas des 'impositions telles que vous puissiez entretenir à votre service

* Juillet 21.—To attain this object he held out to England, as a bait, the restoration of Hanover, and the cession of the Hanse towns in addition.

† Juillet 26. ‡ Juillet 30.

'des françois &c. &c . . . vous ne ferez rien du tout, et 'dans quatre ans au lieu de m'être utile vous me nuirez, car 'vous m'ôterez de mes moyens.'* He continues to intimate to Joseph that he may expect Sicily to be given up to him. 'Mon Frère,—Il paroit que les Anglois s'adoucissent: les 'négociations sont ouvertes en forme. . . . . Comme le Roi 'd'Angleterre sait que je veux rester maître de Naples et de la 'Sicile, on peut régarder ce point comme entendu. . . . Vous 'aurez un beau royaume; ce sera à vous de ne pas vous endormir 'sur le trône. . . . . Il ne faut pas perdre de vue que la force et 'la justice sevère sont la bonté des rois. Vous confondez 'trop la bonté des rois avec la bonté des particuliers. J'at-'tends de savoir la quantité de biens que vous avez confisqué 'en Calabre, et le nombre des revoltés dont vous avez fait 'bonne justice. Faites fusiller trois personnes par village des 'chefs de la revolte. N'ayez pas plus d'egards pour les prêtres 'que pour les autres.' †

It is difficult to determine whether Napoleon really thought that his indomitable will, so little accustomed to be thwarted, would extort the sacrifice of Sicily from the English Government, or whether he had some object in deceiving Joseph. During the whole of the negotiations, the English Plenipotentiaries insisted on retaining Sicily, and in the first instance they even demanded the restoration of Naples, from which demand they only receded on the understanding of *uti possidetis* being the basis of negotiation. Lord Yarmouth asserted that this had been agreed on between Talleyrand and himself, but the agreement was only verbal, and never reduced to writing, and at a later stage of the negotiation, the French Ministers denied it altogether. Lord Grenville (in the House of Lords, 2nd January, 1807) said, 'would it 'not have been an indelible disgrace to this country to have 'given up Sicily to France, on her offer of an equivalent? 'It was not for us to barter it away for any equivalent with-'out the consent of the Sovereign.'

The Emperor continues to criticise Joseph's measures, and to reprove him for not being severe enough, and not listening to his advice. 'Quelques avantages marqués inspireront une ter-'reur telle que personne n'osera plus debarquer chez vous. 'J'ai vu la Vendée qu'on croyait ne pas pouvoir finir; j'ai vu 'les Bedouins inquiéter et harceler mes troupes en Egypt. 'Quelques grands echècs ont mis fin à tout, et ont ramené 'la tranquillité. Mais ceux qui vous entourent n'ont point

* July 30. † Août 6.

'de connaissance des hommes. Vous n'écoutez pas un homme 'qui a beaucoup fait, beaucoup vu, beaucoup médité. Ne 'suivez pas votre système de gardes nationales; rien ne sera 'plus dangereux. Ces gens-là s'enorgueilleront, et croiront 'n'être pas conquis. Tout peuple étranger qui a cette idée 'n'est pas soumis.'* It is amusing to see the contemptuous incredulity with which he treats facts reported to him which it does not please him to hear. 'Tout ce que vous me dites de 'l'argent jeté par les Anglois est faux. Je n'ai pas pris le 'change. Je suis fait à toutes ces rumeurs. . . . Ma vieille 'expérience m'éclaire encore plus que tous les renseignements 'qu'on peut me donner.'† Notwithstanding his confidence in his power, and in his fortune, he always anticipates the possibility of some reverse, and advises Joseph to bear this in mind continually in all the measures he adopts. 'Je me 'flatte que vous n'avez rien à craindre aujourd'hui. Vous serez 'Roi de Naples et de la Sicile. Mais prenez des mesures 'plus sérieuses; en signant chaque acte, dites vous bien, cela 'serait-il bon si l'armée françoise était acculée sur Alexandrie? 'si vous ne vous pénétrez pas de ce principe vous ne règnerez 'pas longtemps. . . . . Un seul cri Italien "Chassez les 'barbares au de là des Alpes," vous arrachera toute votre 'armée. Je désire que vous me consultiez sur des matières 'aussi importantes. Il ne s'agit pas de dire que vous viendrez 'à mon camp. Un roi doit se defendre et mourir dans ses 'états. Un roi émigré et vagabond est un sot personnage.'‡

Massena, who marched into Calabria to repair the defeat of Regnier, carried on his operations with great severity, the revolted villages were set on fire, and the inhabitants massacred without regard to sex or age. Joseph seems to have got the better of his humane weakness, for he tells Napoleon, that there are more victims in Calabria than he (Napoleon) could desire, but that this was inevitable, and he had no compassion for them. Gaeta having surrendered, and Massena having succeeded in quelling the Calabrian insurrection and re-establishing the authority of the Government in those provinces, the end of the year 1806 appeared to promise Joseph a less stormy reign than that of the preceding ten months. After informing the Emperor of the state of his military affairs, he says—'I have already 'told Y. M., and I repeat it, that the great men of the 'kingdom, who are also the richest proprietors, are decidedly 'favourable to the new government; the greater part of those 'who have property are on my side, some have taken arms in

* Août 9. † Août 7. ‡ Août 7.

'my favour, none against me, so that I cannot complain of the 'Calabrian proprietors; but unfortunately they are few in num- 'ber, and almost all others arm themselves against the authority 'which protects them, whenever foreign aid overcomes their 'natural cowardice; *the war is one between the rich and the 'poor.* Your Majesty does not know me, when you accuse me of 'weakness, and of being a *roi fainéant.* I have the same feel- 'ings and sentiments as yourself, and to the same extent. I 'grudge no trouble and no sacrifices, and an active existence 'agrees with me better than retirement, in which, nevertheless, I 'was always happy. Certainly, I am not a great soldier, but I 'am able to appreciate the counsels of Your Majesty, and if I 'do not always follow them, it is because I am often unpro- 'vided with the means of so doing.' *

On the occasion of the Emperor's birthday, Joseph indulges in a little strain of sentiment mixed with flattery. 'I shall remain 'here till Y. M.'s birthday, of which I wish you joy. I hope 'that you will be gratified at the expression of my affection: all 'the glories of the empire are less precious to me than the Napo- 'leon to whom I have been so long and tenderly attached, and 'whom I could wish to find again such as he was to me twenty 'years ago, *si l'on se retrouvé aux Champs Elyséens.*'† To this effu- sion Napoleon replied in a good-natured though less sentimental strain,—'I am sorry you think that you can only find your 'brother again in the Elysian Fields; it is but natural that at 'forty years of age he should not feel towards you as he did 'at twelve, but his sentiments have greater reality and strength, 'and his friendship *a les traits de son âme.*' ‡ He frequently repeats, that a revolt at Naples is to be desired, inasmuch as its suppression would strengthen the government. 'I should like 'very much to see a revolt of the Neapolitan populace. You 'will never be their master till you have made an example of 'them. All conquered people have need of a revolt. I should 'regard one at Naples in the same way as the father of a family 'sees the small pox amongst his children; the crisis is salutary, 'provided it does not too much weaken their constitutions.' §

Joseph was very anxious to keep Rœderer in his service; Napoleon consents, but expresses a contemptuous opinion of him, and predicts that Joseph would repent of his choice. 'You are 'a young man, and nature has made you too good; we must 'not always judge by our impressions, but look to experience; 'however, I will say no more, because I have just recollected,

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* August 8. † August 8. 1806.
‡ August 23. § August 17.

'that my letters are seen by many persons. What I tell you is 'certain; my letters have been quoted at Paris, and I have re- 'cognised my own expressions; as you write to me with your 'own hand, no one else ought to read my letters, which you 'should keep under lock and key. You are justly reproached 'with talking too much of your affairs to too many people . . . 'You would do well to attach Massena to yourself, for without 'having great military talents, he is a man of strong character, 'who may be very necessary to you.' *

The Emperor constantly enters into minute details concerning his troops, such as it appears marvellous he could find time for, but of which he affords this explanation: 'the good condition 'of my armies is the consequence of my devoting two or three 'hours in every day to its examination, and when the monthly 'states of my armaments both military and naval (which form 'twenty thick volumes) are sent to me, I give up every other 'occupation in order to read them in detail, and to observe the 'difference between one monthly return and another. No 'young girl enjoys her novel so much as I do these books. It 'shocks me to see your troops scattered through different pro- 'vinces.'†

Events were now rapidly bringing on the rupture between France and Prussia. History records nothing more melancholy and disgraceful than the mixture of weakness, perfidy, and profligacy, which had marked the policy of the Prussian Government for the two or three preceding years. For about ten years, Prussia had been endeavouring to provide for her own safety by remaining perfectly quiet, and abstaining from all interference with the affairs of Europe. The king was one of the first to recognise the title of the Emperor Napoleon, who had evinced a strong desire to form a close connexion with the Court of Berlin, in which he so far succeeded, that when the rupture in the north became imminent, Prussia agreed to maintain a strict neutrality. This engagement did not, however, prevent the Prussian Cabinet from cultivating friendly relations with that of St. Petersburgh, and her fears and suspicions of the power and designs of France having been subsequently aroused, the two Courts agreed upon a secret convention (in May 1804), for the purpose of restraining the encroachments of the First Consul. Mutual jealousies, however, did not allow this alliance to be either cordial or lasting. Before long the relations of the two countries assumed a less friendly character, and Prussia began to incline towards a connexion with France. When the

* August 20. † August 20.

coalition was formed in 1805, it was a great object with the Allied Powers to engage Prussia on their side; but she dreaded the consequences of the impending strife, and determined if possible to avert it; and under her mediation a negotiation took place between France and Russia, without, however, any result except that of deferring the contest for a few months, and the united and strenuous efforts of England and Russia were unavailing to induce Prussia to depart from her neutrality, and join the common cause. On the other hand, as soon as Napoleon saw that war with Austria was inevitable, he was indefatigable in his endeavours to gain Prussia, and as the most tempting bait he could offer, he held out to her the much coveted acquisition of Hanover. In August 1805, the Prussian Government signified its willingness to conclude a treaty offensive and defensive with France, but in pursuance of their usual temporising policy, they objected to take an active part in the approaching contest. The proposal of a treaty was accepted with alacrity by Napoleon, but subsequent events interfered to prevent this treaty from being ever signed. When the war broke out, Napoleon did not scruple to violate the neutrality of Prussia, by directing the march of his troops through her territories. This outrage excited vast indignation at Berlin, where it was clearly seen that Napoleon neither respected nor feared their power. Stung with the indignity, and urged by the resentment of the nation, the fickle Cabinet of Prussia, began again to shift its policy and to assume a hostile attitude towards France. They gave to the Russians the same permission to pass through their territories, which the French had assumed, and began to form armies of observation. Availing himself of the increasing irritation against France, the Emperor Alexander repaired to Berlin, and in November a treaty was concluded between Russia and Prussia, for the purpose of regulating the affairs of Europe, and erecting a barrier against French aggression. After the departure of the Emperor Alexander from Berlin, the old habit of temporising again took possession of the Prussian Government, and Napoleon was permitted to advance without interruption to Vienna. Again, the shifting and vacillating policy of Prussia now inclined her towards the Coalition, and made her assume an attitude of hostility to France. In November Haugwitz was sent to the head-quarters of the Emperor Napoleon, to offer certain terms of peace, and to notify that the rejection of them would be followed by a declaration of war. Napoleon thought it his interest to temporise, and desired the Prussian Envoy to repair to Vienna and confer with Talleyrand on the object of his mission. After the battle of Austerlitz, the Em-

peror Alexander offered to place all his forces at the disposal of Prussia, if she would enter vigorously into the war; but, far from accepting this offer, she determined to withdraw from what she considered a hopeless contest, and Haugwitz, instead of presenting his ultimatum to Talleyrand, congratulated Napoleon on his victory, and proposed a fresh treaty on the basis of the annexation of Hanover to Prussia. Napoleon bitterly reproached him with the perfidy of his government, of whose treacherous machinations he was perfectly aware, but declared his willingness to forgive their past conduct, if they would abandon once for all their ambiguous policy, and unite cordially with France. They promised liberally, and on the 15th December, 1805, a treaty was concluded between the two countries. In the beginning of 1806, their mutual relations again became cold and unsatisfactory, the faithless and wayward conduct of Prussia having involved her in the most wretched perplexity and embarrassment. She was distracted between the shame of partitioning the territories of England, her old ally, together with the fear of offending Russia, on one side, and dread of the power and vengeance of France on the other, and as usual, she strove to escape from her dilemma, by steering a middle course. She proposed to ratify the treaty of December 15th, but with certain modifications. Napoleon was furious, and refused to listen to any modifications. He saw that no serious or durable alliance was possible with such a Power, and that it was useless to cultivate a friendship which would prove too hollow and insincere to be of any value to him. Prussia was terrified at his indignation, and consented to all that was required of her. On the 15th of February, the former treaty was accepted, with additional stipulations; for not only was Hanover annexed to Prussia, but the British flag was excluded from all the ports of that Electorate. The conduct of Prussia in this transaction was described by Mr. Fox to be 'a compound of everything that is 'contemptible in servility with everything that is odious in 'rapacity;'* and England, indignant at the outrage, instantly declared war. Nor while Prussia quarrelled with her old friends did she succeed in conciliating her new protector. Napoleon was disgusted with his degraded tool, and from that moment conceiving for her sentiments of hatred and of profound contempt, in the prosecution of his various schemes he made no

* 'Other nations,' Mr. Fox said, 'had been obliged to make cessions to France, but none of them had, like Prussia, been reduced to that lowest state of degradation—to consent to become the ministers of the injustice and rapacity of a master.'

account of his alliance with Prussia. The proofs which were soon afforded, that their rights and interests were entirely disregarded by France, filled all ranks in Prussia with feelings of shame and resentment, and the exactions of the French army increased the indignation which soon pervaded all the north of Germany, in the midst of which the excitement of the people and the alarm of the government were greatly increased by the overthrow of the Germanic Empire and the formation of the Confederation of the Rhine; but when, in addition to these grievances, it was discovered that France had offered to England the restitution of Hanover, and that Prussia was all along duped and deceived by Napoleon; the public indignation broke through all restraints and the cry for war became universal and irresistible. Meanwhile, the Emperor of Russia refused to ratify the treaty of peace which M. D'Oubril signed at Paris, and the negotiations between England and France were broken off, though the final rupture did not take place till the war between France and Prussia had actually commenced.* The Prussian Government, encouraged, if not compelled, by the public enthusiasm, having now resolved to brave Napoleon, sent an ultimatum to Paris, in which they demanded that the French troops should immediately evacuate Germany, together with other conditions. No answer was given; indeed, the Emperor had left Paris before the ultimatum was delivered. He had previously written to Joseph:—'I have told you that Russia refuses 'to ratify. Prussia is arming in a most ridiculous manner: 'however, she shall soon disarm, or pay dearly for what she is 'doing. Nothing can exceed the vacillation of this Cabinet. 'The Court of Vienna makes great protestations, and it is so 'feeble that I am inclined to put faith in them; however, I am 'able to face, and shall face, every danger. . . . I am amply 'provided, and in want of nothing. . . . . In a few days I 'may possibly put myself at the head of my grand army. I 'have 150,000 men, and with that force I can dictate terms to 'Berlin, Vienna, and Petersburgh. . . Say nothing of these 'dispositions, which I wish a victory only to proclaim. . . . 'Be quite easy about political affairs. . . If I am obliged 'to strike a blow, my measures are so well and surely taken, 'that the total ruin of my enemies will accompany the first 'notice of my departure from Paris. Let your journals describe 'me as occupied with hunting, amusements, and negotiations.'†

* Lord Lauderdale left Paris nine days after the Emperor had set out to take the command of his army.

† September 12.

The next day he announces the news of the death of Mr. Fox, but adds, that all hope of peace is not gone. 'Prussia makes 'me a thousand protestations, which do not prevent my 'taking all precautions; in a few days she will either 'disarm or be destroyed. Austria declares her intention to 'remain neutral. Russia does not know what she wants, but 'her distance renders her powerless; such in two words is 'the state of affairs.'* Five days later, he writes, 'the Eu-'ropean horizon is still rather dark; it is possible that I may 'very shortly be at war with the King of Prussia.' He then gives some instructions about certain military movements in Calabria and elsewhere, and says, 'You alone must be apprised 'of these dispositions. . . . In a few days it is possible I 'may have settled everything with Prussia, or if not, that the 'Prussians may be so completely beaten in the first encounters, 'that a few days may terminate the contest. . . I repeat to you, 'you will do injury to your affairs, if you allow any body else 'to see this letter. I am in the habit of meditating for three 'or four months beforehand on the best course to pursue, and 'to calculate on the possibility of the worst event occurring.'† This calculation does not in the slightest degree diminish his confidence in the result of the approaching contest. 'As soon 'as the reports of the armaments in preparation reach Naples, 'announce that all will be settled; and when you hear of the 'commencement of hostilities, say that I am acting in concert 'with England to compel Prussia to restore Hanover; as Lord 'Lauderdale is still at Paris, this will not appear improbable. '. . . Don't be at all alarmed; you will only hear of my 'arrival at the army, and of the commencement of hostilities, 'by the news of my success.'‡

The battle of Jena was fought on the 14th October, and ten days after the victory, Napoleon writes: 'I have destroyed the 'Prussian monarchy; if the Russians come, I shall destroy them 'likewise; and I have no fear of the Austrians.'§

A month later he writes: 'My affairs are very prosperous. . 'My army is on the Vistula; Poland full of enthusiasm. . . . . 'I have got all the strong places, have taken 140,000 prisoners, '800 pieces of cannon, and 250 standards and colours. The 'Prussian army and monarchy have both ceased to exist.'‖

Joseph kept the Emperor constantly informed of the military and civil affairs of his kingdom, complaining very much of his

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* September 13.
† September 18.
‡ September 20.
§ October 25.
‖ November 15.

financial difficulties, and of the discontent produced by a rigorous collection of the revenue and the disorders committed by the soldiery. In the month of March, a M. Vecchioni, in a high judicial office, was convicted of a treasonous correspondence with the enemy. He was an old man of previously irreproachable life; and having appealed to the clemency of Joseph, the king, against the remonstrances of his ministers, insisted on pardoning him, and setting him at liberty; an act creditable to his humanity and good nature, and very unlike what would have been the conduct of his Bourbon predecessor, or successor.

In 1807, the Emperor was waging war against Russia, and for some time established his winter quarters at Osterode, whence, in a letter to Joseph, he says that the officers of the staff and colonels had not taken their clothes off for two and some of them for four months (and that he himself had been fifteen days without taking his boots off), in the middle of snow and mud, without bread, wine, or brandy, living on potatoes and meat, continually marching, countermarching, and fighting; and that it is too ridiculous to compare such troops with the army of Naples, making war in a delightful country, where they are abundantly supplied with every luxury and comfort, even with society and with women; he continues: 'After having destroyed 'the Prussian monarchy, we are fighting against the remnant of 'the Prussians, against Russians, Cossacks, and Kalmucks, and 'the tribes of the north, who formerly invaded the Roman Em-'pire. We are making war with the utmost force and rigour. 'In the midst of these prodigious fatigues, almost everybody has 'been more or less ill: as to myself, I never was stronger, and 'I am even grown fat.'*

Joseph had received the news of the battle of Eylau (February 8th), on which he congratulated his brother; but not long afterwards he writes him a letter which does credit to his good sense, frankness, and courage. After some compliments to the perspicuity and knowledge of mankind, which he says so eminently distinguish Napoleon, he goes on,—'Sir,— 'I am in that mood, which Your Majesty will comprehend, in 'which I take pleasure in saying what I think right. Well, 'then, Y. M. ought to make peace, cost what it may (*à tout 'prix*). Y. M. is everywhere victorious and triumphant; you 'ought to spare the blood of your people. The sovereign 'ought to temper the hero. You ought not to care about 'a little more or a little less territory. Any concessions you 'may make will be glorious, because they will be useful to

* March 1.

'your people, who are shedding their best blood, and because, 'victorious and invincible as you are universally acknow- 'ledged to be, nobody will imagine that any conditions can 'have been forced upon you by a vanquished enemy. Sire, 'it is my attachment to a brother, who has behaved like a 'father to me, and my duty to France, as well as to the people 'over whom you have placed me, which dictate to me the 'expression of these truths. As far as I am concerned, I 'beg you will dispose of me in any way that may conduce to 'this desirable end. I shall be perfectly satisfied with any 'arrangement you may make concerning myself. You ought 'not to expose to the chances of events the finest monument 'that was ever raised to the grandeur of the human race; I mean 'the mighty edifice of glory and greatness which you have 'raised in the last ten years.'* This sensible and prophetic advice was taken in good part, but of course not attended to, by Napoleon, who replied, 'I have received your letter of the '29th, and thank you for all you say. Peace is a marriage 'which depends on a union of inclinations; if we must still 'fight, I am ready; you see I am raising fresh troops. I am 'not of your opinion, that you are popular with the Neapo- 'litans. . . . No doubt your people will become attached to 'you after eight or ten years of peace, when you know them and 'they know you; attachment with a nation means esteem, and 'they esteem their sovereign when he is dreaded by the bad, 'and when the good regard him with such confidence, that he 'may count on their fidelity and assistance on all occasions.'† One of Joseph's measures of reform had been the suppression of the convents; and the manner in which this was done displeased the Emperor, who did not fail to give his attention to this matter, even in the middle of the arduous campaign in which he was engaged; and he criticised it in these terms:—'I 'am not satisfied with your preamble to the suppression of the 'convents. In what concerns religion, the language employed 'should be of a religious and not of a philosophical character. 'In this consists the great art of government, which is not 'possessed by a mere writer and man of letters. Why talk of 'the services which the monks have rendered to art and science? 'It is not by such services that they have recommended them- 'selves, but by the administration of religious aids. Such a 'preamble is entirely philosophical, and that is not what is re- 'quired; it is insulting to the men you expel. This preamble 'to the suppression would have been all very well, if it had

* March 29. † April 18.

'been in accordance with the monacal system. Disagreeable 'things are better endured from one who agrees with you, than 'from a person of a different opinion. You ought to have said 'that the monks were so numerous that their subsistence was 'difficult, that the dignity of the state required that they 'should have enough to live upon, and thence the necessity for 'a reform, preserving nevertheless a sufficient number for the 'administration of the sacraments, &c. &c. I tell you this as a 'general principle. I have a bad opinion of a government 'whose edicts savour of *le bel esprit*. Each edict ought to have 'its own appropriate style; a well-informed monk, concurring 'in the suppression, would have expressed himself differently. 'People bear injury when unaccompanied with insult, and 'when the blow does not appear to be struck by the enemies of 'the state. Now the enemies of the monks are the literary 'men and the philosophers, of whom you know I am not fond, 'since I have everywhere put them down.'*

The criticisms of the Emperor might have been extended to the measure itself, which does not seem to have been judiciously framed or altogether successful. The wealth of the religious orders would have been sufficient, under a good administration, to produce great resources, but unhappily it was dilapidated by imprudent sales, in order to procure funds for the payment of the state creditors, and for the prosecution of the war, besides which the favourites of the new court managed to get possession of some of the finest properties by fictitious purchases. Then the measure of conventual suppression was inadequately carried out, and very unwise exceptions made in the general plan; the libraries, archives, and other objects of art preserved in the monasteries, were carried off by the monks, who sold the most precious monuments relating to the arts, science, and history of their country. The Government contented itself with suppressing the rich monasteries, in order to obtain possession of their wealth, while they left untouched the poor ones, which were at once the least useful and the most vicious. The measure, therefore, of monastic reform, however well intended, redounded very little to the credit or the popularity of the king; and it is surprising that its imperfect organisation should have escaped the penetration of the Emperor, and that his censure should have been limited to the forms of the proceeding. †

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* April 14. The bearing of these views may be traced on the occasion of the concordat (some years later), when Napoleon discerned the wisdom of enlisting the priests in his service.

† Orloff, vol. iii. p. 232.

Joseph submitted patiently to the displeasure which the Emperor not unfrequently expressed with the acts of his government; but he winced under the independence or impertinence of the French Generals, who treated him with little respect, and against whom he was often provoked to make appeals and complaints to their common master. One of these, who had offended him by what he called 'des propos inconsiderés,' was Cæsar Berthier, the brother of the Prince de Neufchatel: he says it is not worth while to repeat what that officer had been saying, but it was calculated to injure him, because it implied that Napoleon was dissatisfied with him, and 'the people know well enough 'that everything depends on the pleasure of Your Majesty, and 'they would have no confidence in a man who was so foolish as 'to be ungrateful to you . . . . . I cannot conceal from Your 'Majesty, that I have lately received letters both from Your 'Majesty and your Ministers, which lead me to believe that you 'are dissatisfied with me; nevertheless, I do all in my power to 'merit your favour, and I do not think I ought to be scolded by 'General Dejean. Your Majesty is too enlightened not to 'appreciate both my sentiments and my position. You are 'aware, I trust, of all the efforts I make to meet every exigence, 'how deeply I feel my obligations to Your Majesty, and how 'sensible I am that your reason is even superior to your power. 'I trust Your Majesty will see by the changes I have made that 'I begin to form a more correct judgment of men, and to 'estimate them according to their proper value.'* In reply to this letter, Napoleon writes: — 'In your correspondence with 'my Ministers you must expect to be treated as Commander in 'Chief of my army, and to receive marks of my displeasure when 'anything goes wrong . . . . . You must resent any chattering 'and manifestation of discontent. I think the habit of governing will, with your natural good sense and disposition, 'strengthen your character, and render you capable of conducting this vast machine, if it should be your lot to survive me. 'Prince Jerome is doing very well. I am much satisfied with him, 'and greatly deceived if there is not stuff in him to make a first-rate man; not that he has any idea that I think so, for my letters 'to him are full of severity †; he is adored in Silesia, and I 'placed him purposely there in an independent command

* April 15.

† He was not always so indulgent to Jerome, but he had recently gained his favour by submitting to his pleasure in the matter of divorce. Jerome repudiated his wife, Miss Paterson, daughter of a Baltimore merchant, and married the Princess of Wurtemberg.

'because I am no believer in the proverb "that it is necessary
'"to know how to obey in order to know how to command."
'I am tolerably well satisfied with Louis, but he has too
'charitable a disposition, which is inconsistent with the dignity
'of a Crown. He does not pay much attention to my advice,
'which, nevertheless, I continue to give him, and in time he
'will be aware of the mistakes he has made.'*

The Emperor pursued his victorious career, and successively announced to his brother the victory of Friedland, and the peace of Tilsit, while Joseph continued to occupy himself in the internal reforms of his kingdom, and the restoration of tranquillity, reporting every detail of his administration as if he were a provisional governor instead of an independent King. The Emperor, who had little confidence in the abilities of Joseph's Cabinet, writes: — 'I greatly fear, by all I hear from Naples,
'that your finances will be deranged by all sorts of theories and
'speculations; great experience and long lapse of time are
'necessary to carry out changes in the financial system of a
'country, and I see that at the beginning of your reign, and
'while still at war, you are making alterations in the mode of col-
'lecting the revenue. I am sorry that your opinion is different
'from mine. I look upon men of cleverness and learning as I
'do upon coquettes: they are very well to live and converse with,
'but we should no more think of taking the one for our wives
'than the other for our Ministers.'†

Towards the end of 1807 tranquillity was in great measure restored to the kingdom of Naples, and much of the correspondence about this time relates to the occupation of the Ionian Islands and Cattaro, to which Napoleon attached great importance on account of ulterior objects and designs, which he did not impart even to Joseph, while employing him in the direction of the military operations connected therewith. The letters of Napoleon were often harsh and often unjust; and Joseph, while his replies were full of deference and submission, sometimes ventured to remonstrate against reproaches which he proved to be unfounded. It seems to have been a part of the imperial policy perpetually to find fault, and H. M. never condescended to own himself mistaken or in the wrong. Whenever Joseph asks for more troops, Napoleon replies that he cannot have less than 50 or 60,000 men, which is more than he requires; when he asks for money, Napoleon rejoins that as he has not above 25 or 30,000 men to provide for, he cannot be in want of funds. There was one irreconcileable difference of opinion and sentiment between the brothers: Napo-

* May 4. † July 18.

leon recommends harshness and severity in the administration of the government, while Joseph was bent upon endeavouring to conciliate the attachment and fidelity of the Neapolitans by mildness and clemency, and by such reforms and improvements as should be beneficial to the whole country. In the end of November the Emperor visited Italy, and Joseph went to Venice to meet him. There he received a commission to prevail on Lucien to consent to be divorced from his wife, with the view of his contracting some Royal alliance, and being made a King. Lucien had married early in life a very amiable person, who died young during the Consulate, and a few years after he re-married with the widow of an agent de change named Jouberthou,—a marriage which exceedingly displeased Napoleon, and was one of the causes of their long estrangement.

Lucien was very well disposed to a reconciliation, and to lend himself to promote the Imperial system in anything but the sacrifice of his wife, which he positively and firmly refused, in spite of all consequences to himself, and the entreaties and remonstrances of his family. A letter addressed to him by his sister Eliza*, is curious, showing as it does the utter prostration of their wills before the desires and commands of the great man. She says: — 'Proposals are made to you which you would have 'accepted a year ago for the sake of your children and *your wife*, 'but which now you reject. Don't you see, my dear brother, 'that the only way to prevent adoptions is to provide his Majesty 'with relations of his own, of whom he can dispose. In remain-'ing near Napoleon, or accepting a throne at his hands, you will 'make yourself useful to him. He could marry your daughters, 'and provided he could find in his own family the means of 'carrying out his projects and his policy (which are all in all 'with him) he will not make choice of strangers. We cannot 'deal with the master of the world as if we were his equals. 'Nature made us all children of the same father, and his pro-'digious exploits have made us his subjects. Sovereigns as we 'are we owe everything to him. There is a noble pride in this 'confession, and I think our sole glory ought to be to prove by 'the manner in which we govern that we are worthy of him, and 'of our race.' As soon as Joseph was apprised of the intention of the Emperor to visit Italy, he sent him a pressing invitation to come to Naples, offering, besides all political motives, the pleasures of extraordinary good shooting; promising him two thousand shots at wild fowl, five hundred woodcocks, and as many ducks, boars, chevreuls, stags, quails, and pheasants. The

* Princess Bacciocchi, Grand Duchess of Tuscany.

expelled King would have taken greater delight in a campaign against the wild fowl than in Austerlitz or Friedland; but whether Napoleon was not a sufficiently keen sportsman, or he had other work in hand, he did not proceed so far as Naples, and it is not a little remarkable that he never in his life should have seen either that city or Rome.

It had been settled that Joseph's Queen should join him with their children at Naples, but the state of her health not permitting her to accomplish such a journey, he requests leave of absence from Naples for thirty days, and to be allowed to spend one-third of that time at Paris. He did not get leave, but was summoned to meet the Emperor at Venice, which he did on the 2nd of November; it was at this interview that he was ordered to make overtures to Lucien, and he reports the results of his endeavours from Modena. 'I met Lucien at Modena: he was 'very anxious to repair to Your Majesty, particularly after hearing of your goodness to him about whichever of his children is 'old enough to be established; he wishes to thank you, and is 'ready to send her to Paris when you think fit. He still maintains that he is satisfied with his lot, and has no wish to change 'it, except so far as his doing so might be instrumental to Your 'Majesty's designs with regard to your dynasty, and compatible 'with his duty to a wife whom he cannot cast off, who has borne 'him four children, and with whom he has every reason to be 'satisfied since their union. Nothing I could say to him elicited 'any answer but that it was a point of honour with him, not to 'disown his wife and children, and that he could not dishonour 'himself were it only in his own estimation. I am sorry to have 'no better news to give Your Majesty; but God is great and 'merciful, and every day I become more persuaded that Your 'Majesty is no less indulgent than myself, and gifted with such 'inexhaustible resources, that you cannot fail of success in 'whatever you undertake.'† The Emperor himself had an interview with Lucien shortly after, and he writes: — 'I have seen 'Lucien at Mantua, and had a conversation of several hours 'with him; he will have no doubt told you all about it; his 'notions are so different from mine, that I can hardly make out 'what it is that he wants . . . . he seemed to me agitated by 'opposite feelings, and to want resolution to make up his mind. '. . . . I exhausted all the means in my power to induce Lucien, 'who is still young, to devote his talents to my service and to that 'of his country. If he wishes to send me his daughter he must 'do so without delay, and place her entirely at my disposal, for

† December 11.

'there is not a moment to lose; events are hastening on, and my 'destiny must be accomplished. If he changes his mind, let me 'know it immediately, as I must then make other arrangements. 'Tell Lucien that I was touched by his grief and his attachment 'to me, and regret the more that he will not be reasonable, and 'contribute to my repose and his own.'* This curious letter must have appeared very mysterious to Joseph, who was in total ignorance of his brother's designs, notwithstanding some hints that a great scheme was on foot. At this time, however, the invasion of the Peninsula had already commenced — the Prince Regent of Portugal had embarked for the Brazils, and the French troops under Junot were advancing on Lisbon. At Tilsit Napoleon had confided to the Emperor Alexander his designs against Spain, and by one of the secret articles of that treaty it had been agreed that the Sovereigns of the Houses of Bourbon and Braganza should be replaced by Princes of the family of Napoleon. The Prince of the Asturias (Ferdinand VII.) had already appealed to Napoleon for protection against his own father, Charles IV., and had asked in marriage a French Princess at the choice of the Emperor. If Lucien could have been induced to come into his brother's views, he would have been the destined occupant of one of the Peninsular thrones, and his daughter Charlotte was wanted as the bride of Ferdinand, should it suit the Emperor's views to give him a wife. Lucien finally consented to give up his daughter, but nothing would induce him to make any concession as to his wife (as Joseph said) 'for his own 'and his family's good, and to meet the paternal view of Your 'Majesty.'†

The year 1808, while it exalted the dignity, put an end for ever to the ease and peace of mind of the unhappy Joseph. In the earlier months he was occupied with various arrangements for securing the occupation of Corfu, an object of great importance to Napoleon, who tells him that 'Corfu is of much 'greater consequence than Sicily,' and that 'in the present con-'dition of Europe the greatest misfortune that could happen to him 'would be the loss of Corfu.' He always considered the ultimate re-annexation of Sicily to Naples as certain, whenever peace was concluded; and, with his characteristic disregard of truth, he repeatedly affirms that England had in the last negotiations made no difficulty on that point, and consented to its cession to Joseph. In the beginning of April, the Emperor began to write to Joseph at length about the affairs of Spain; and after giving him an account of what is passing, and of the disposition

* December 17. † December 31.

of his troops in that country, he says that the expenses of his army in Spain, and that of the preparations he is making are, and will be, enormous, but that circumstances require that all Europe should be inundated by his troops. 'England is 'beginning to suffer: nothing but peace with that country can 'make me sheathe my sword and restore tranquillity to Europe.' 'It is not impossible that in the course of five or six days I may 'write to desire you to repair to Bayonne.' * This was the first intimation of his intentions. Three weeks later he informs him of the abdications of Charles and Ferdinand, and proceeds:—'The 'nation, through the Supreme Council of Castille, desires me to 'bestow upon them a King. I destine this Crown for you: 'Spain is very different from Naples; it contains eleven millions 'of inhabitants and has one hundred and fifty millions of revenue, 'without counting the Indies; it is, besides, a Crown which 'places you at three days' distance from France. At Madrid 'you are in France . . . As soon as you receive this, appoint 'whom you please Regent, and come to Bayonne. Keep it all 'secret, and say you are going to the North of Italy to confer 'with me.' † On the 23rd of May, Joseph quitted Naples and proceeded in all haste to Bayonne. At La Grotta he met his old friend and tutor the Abbé Simon, Bishop of Grenoble, formerly Mathematical Professor at the College of Autun, who came to compliment him on his approaching elevation to the throne of Spain. His reply to the Prelate evinced anything but elation of spirits or satisfaction, and was creditable to his good-feeling and his sagacity. He said: 'I wish your congratulations 'may be of happy augury to your old pupil — may the mis-'fortunes I anticipate be averted by your prayers. I am not 'blinded by ambition, nor dazzled by the splendour of the 'Spanish Crown. I leave a country where I think I have done 'some good, and where I flatter myself I was popular, and shall 'leave behind me some regrets. Can I expect as much in my 'new kingdom? . . . . . Monsieur l'Evêque, I see before me 'a black horizon, and clouds which threaten a very alarming 'future. Will my brother's star always shine as brightly in the 'Heavens as it does now? I know not, but in spite of myself 'I am terrified and overwhelmed by the most doleful fears and 'presentiments. I am afraid that in placing on my head a more 'brilliant crown than that which I resign, the Emperor has 'imposed on me a burthen beyond my strength. Pity me, 'therefore, my dear Master, pity instead of congratulating me.' The prophetic soul of Joseph only too truly prefigured to itself

* April 18. † May 11.

the sea of troubles in which he was about to be plunged, and the 'ominous clouds' that threatened to cast their shadows over his brother's still resplendent star.

The campaign of Friedland and the Peace of Tilsit had carried Napoleon to the culminating point of his grandeur, and to the extreme elevation of power and influence which he was destined to attain; other victories, indeed, were still in store for him, and an Imperial alliance, connecting him with the ancient Royalties, was to confer fresh dignity upon his person; but though he stood for a brief space at that vast altitude from which he looked down upon the prostrate Continent of Europe, his unquiet mind was still unsatisfied; for —

> 'Conquests unresisted ceased to please,
> And rights submitted left him none to seize.'

New schemes of ambition and aggrandisement urged him on. The dynastic system his imagination had conceived remained to be further developed, and above all, England still stood erect and unsubdued. It is not difficult to trace, more perhaps, in this correspondence than in any other historical materials, the effects produced on his mind by such a long and unbroken career of success and triumph as might well make him believe, as all the world had come to believe, that he was infallible and invincible. His pride and arrogance had grown with his successes, and in the same proportion all human sympathies and affections, and therefore all moral scruples and restraints, had waxed faint within him. He was not animated by the grand but definite designs of a statesman, but rather inflamed by the passions of a gamester, Nations and Empires being the prizes for which he played; while he over and over again staked the glory he had acquired, the conquests he had achieved, and life itself, on the hazard of the die. At this period it might well have been said of him, what was said a few years later by a great orator and statesman, whose prediction, true as it turned out, was half accomplished at the time it was delivered: — 'As he was 'probably the only man in the world who could have raised his 'power to such a height, so he was probably the only man who 'could bring it into such imminent danger. His eagerness for 'power was so inordinate, his jealousy of independence was so 'fierce, his keenness of appetite so fervent in all that touched 'his ambition, even in the most trifling things, that he must 'plunge into desperate difficulties. He was of an order of 'minds that by nature make great reverses for themselves."*

* Lord Wellesley's Speech in the House of Lords, March 12. 1813.

When Lord Wellesley made this speech, the French army had been destroyed in Russia; Prussia had turned, and Austria was preparing to turn, against Napoleon; but Joseph, more deeply interested, saw the shadow of coming events before a single threatening cloud had begun to appear, and when his brother's power seemed in the eyes of the world at large to be invulnerable as well as irresistible. We take leave for the present of Joseph at his entrance on that larger stage where he was destined to play, not only a less dignified, but a disastrous part; the reputation he left behind him at Naples did not correspond with his really good intentions and feelings towards the people of that country; his character was neither fully appreciated nor justly treated. The historians of his short reign have stigmatised him as being dissolute, indolent, and incapable; but whilst he undoubtedly represented his own conduct in the most favourable light he could, this correspondence proves that he was not wanting in either industry or ability, and might justly claim the merit of humanity, and a sincere desire to improve the social condition of his people, while for most of the acts or the failings which made him obnoxious to censure or unpopularity, he might have pleaded

> 'Res dura et regni novitas me talia cogunt
> Moliri.'

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ART. III.—1. *Evenings in my Tent; or, Wanderings in Balad-Ejjareed, illustrating the Moral, Religious, Social, and Political Conditions of various Arab Tribes of the African Sahara.* By the Rev. W. DAVIS, F.R.S.S.A. 2 vols. 8vo. 1854.

2. *Le Désert et le Soudan.* Par M. le Comte d'ESCAYRAC DE LAUTURE. 8vo. Paris: 1853.

ONE of the minor discomforts attending every disturbance of our foreign relations is to be found in the mass of literature 'adapted to the present crisis' which such an event throws at once on the market, to the bewilderment of the reader who is honestly in search of knowledge. Anxious as we all are at this moment for trustworthy information respecting the resources of the Czar or the Sultan, the present state of Mohammedanism or the Eastern Church, the Danubian provinces or the shores of the Euxine, it is with feelings of vexation and disappointment that we open volume after volume, decorated with the most pretentious and attractive titles,—to be convinced by the first few pages that we have before us only a trashy pamphlet for the nonce—containing nothing but second-hand information on

general topics, or some laboriously smart narrative of petty personal adventures; far inferior in both lines to our daily lesson of the morning in the 'Times' or 'Chronicle.' One of the first points to ascertain, therefore, in opening a work on some topic of present interest, is, that the book was really not written for the occasion, but is the result of experience and speculations independent of it. This recommendation we can safely prefix to the two books which we have placed at the head of this article, whatever their other merits may be: the reader will find scarcely any reference to the Russo-Turkish question in either, although much of the information which they contain does materially bear on the prospects of that region of the world, and those races of mankind, whose fortunes now form a subject of such absorbing interest.

The Reverend Mr. Davis is, however, it must be confessed, open to the charge of book-making in another way; to parody Johnson's expression, a bolder title-page and more timorous contents were never joined together; with the 'African Sahara' his book has nothing to do; he never reached even the frontier of that mysterious region. He simply gives the narrative of a tour in the southern parts of the Regency of Tunis, made in 1849, as we rather conjecture than collect (for he is strangely sparing in dates), in company with Sidi Mohammed, the heir-apparent to the present Bey, 'a person possessed of excellent 'qualities, among which extreme kindness and affability are not 'the least prominent.' In this pleasant company our author visited the historical city of Cairouan, once the capital of the Western Mohammedan Empire, now chiefly celebrated for the extreme religious bigotry of its inhabitants, and its possession of the tomb of Sidy Shaab, Mahomet's barber,—the ruins of Hydra—the southernmost point of the Regency, the oasis of Tozar,—and the shores of the haunted Bahr Pharaoon, or 'Sea 'of Marks,' the Dead Sea of Northern Africa. This route, however, conducted him in reality no farther than into the region conterminous with the Sahara, commonly called Bilad-ul-Jerid, but which he insists on naming 'Balad-Ejjareed,' the 'country of branches' not of 'dates.' But the writer's very considerable acquaintance with the language and people—he has resided, he tells us, several years in the Regency;—his talent for the description of common life and adventure; his communicative habits; his propensity for legendary talk and missionary controversy: Mahometans, he says, invariably provoke controversy, but are 'generally irritated when the issue is unfa-'vourable to their creed;'—make him at once an amusing

companion, and one from whom much may be learnt respecting the characteristics of a rarely visited land and people.

Here is a sketch of an ordinary scene of an African 'royal 'progress,' which may serve as a specimen of the lighter gossip of Mr. Davis's Tents.

'We came to some Arab tents, about six in number, where, to our great surprise, a general stillness and gloom prevailed. The men and children sat on the ground with a look of melancholy, whilst the women, generally very active, rested from their occupations, and manifested their grief by floods of tears.

'"What has happened, Ali, that you are so cast down?" asked one of our party, addressing himself to an old man. "Such is the will of God," was the reply. "But what has happened, Ali?" "Maktoob—it is so pre-ordained," answered the old man, shaking his head and clasping his hands. "Has any one died?" To this he only replied with a sigh, and pointed us to the interior of his tent. But instead of participating in his grief, my friend abruptly asked him: "Where is the *sloghi* (the greyhound) of last year?" "How can you put such a question to me when you witness my grief and distress?"

'"Who, then, is dead?" continued my inquisitive companion.

'"My wife!" said the old Arab, pointing us again to the interior of the tent, where, apparently, she lay, covered with a kind of blanket.

'"But what have you done with the lovely greyhound?"

'Old Ali now indignantly expressed his surprise that such a question should be put to him at a time when his mind was so differently occupied. He thought it manifested hard-heartedness, if not extreme cruelty.

'"But are you sure that your wife is *quite* dead?"

'"Do not mock me, O Moslems!" The interrogator then called a soldier, who happened to be near, and gave him his horse to hold, while he himself entered the tent. On removing the blanket he found the Arab's wife, holding the pet *sloghi* in her arms. On being thus detected, the poor woman cried out most beseechingly: "Do not take the dog!" And the whole company, men, women, and children, most imploringly re-echoed the words: "Do not take the dog!"

'The intruder then turned to old Ali, and with an ironical smile on his countenance, said: "You see your *dear* wife is not *quite* dead."

'Ali begged hard that the animal might not be taken from them, and the poor dog manifested great reluctance in leaving those who had such sincere attachment for him. As he was led away towards our encampment, the intelligent brute (which was certainly the finest of the kind I ever saw) was constantly turning his head towards his late home, whilst we could distinctly hear the lamentations of those who were so fond of him, at a considerable distance.' (Vol. i. p. 39.)

We are happy to end our story by saying that the phœnix of African princes, Sidi Mohammed Bey, ordered the *sloghi* to be instantly restored to Ali, with a forbearance rivalling that of Scipio, since he is a great sportsman, and 'has often given a 'most splendid horse for a good dog.'

Our French author, M. le Comte d'Escayrac de Lauture, is a personage of a different order. He lets us but little into the secret of his adventures, and draws a veil of mystery over his own personality; but he vouchsafes glimpes of profound and universal knowledge; he is one of those phenomena of the present day who have been everywhere, observed and learnt everything, and look on all with the fashionable, elevated, contemptuous air of men who have seen life in all its varieties; the Rudolsteins, Monte Cristos, Sidonias of modern literary coxcombry. 'Entraîné,' he says, 'par le gout des voyages et l'attrait 'd'une vie indépendente, je parcours, depuis huit années, le sol 'de l'Afrique. Tour à tour j'ai visité Madagascar, les Comores, 'Zanzibar, la côte de Maroc, l'Algérie, les régences de Tunis et 'de Tripoli, le Belad-el-Djérid, l'Égypte, le Nubie, le Cordofan, 'le Sennar.' But occasional hints, insidiously thrown in, seem to inform us that he is equally at home in other very distant parts of the world; in the Prairies of America, in Brazil, at Mecca, and at Jerusalem; and deep in the most recondite life of the great Oriental cities, especially Constantinople.

'Sympathique à l'islamisme,' he mysteriously informs us, 'je 'ne le suis pas à ceux qui le compromettent ou le trahissent; 'mais les circonstances actuelles me font un devoir de la modéra-'tion la plus grande; j'aurais pu écrire sur la Turquie moderne 'un livre qui eût trouvé plus de lecteurs que celui-ci: j'ai préféré 'garder le silence, et laisser la parole à des apologistes dont 'j'apprécie les intentions, et que je ne contredirai pas.'

We find from one passage that our hero made the same tour in Tunis which is described by Mr. Davis; and from some coincidences we are half inclined to suspect that he is the identical 'M.P., an agent of the French government,' who is described by Mr. Davis as one of his companions. Be this as it may, we cannot fail to recognise in him, with a good deal of charlatanerie of manner, much diversified knowledge of the Desert and its people and language, and a pretty extensive familiarity with Mahometan life and ways of thinking.

The traveller from Algiers or Tunis, from which points the interior of Africa is now most commonly approached, has first to traverse the Tell, or agricultural country of the Mediterranean coast; then the successive terraces of Atlas; then the Belad-ul-Djereed, a strip between the mountains and the desert, swarming

with Arab tribes, each settled in its walled villages, encompassed with date trees, but separated from each other by tracts of sand expanding gradually into the great Sahara, the 'sea without 'water,' which stretching in longitude from the Atlantic to the Nile, has to the north the Mediterranean region of winter rains, and to the south, that of tropical rains. When this latter is reached—about the 17th degree of north latitude—'quelques 'arbustes rabougris et épineux interrompent d'abord la mono- 'tonie du tableau; le sol se montre bientôt couvert d'herbes 'épaisses, l'horison disparaît caché de tous côtés par une forêt 'd'acacias et de gommiers que coupent cà et là de vastes clairières: 'cette forêt, c'est le Soudan: c'est au milieu de son inextricable 'réseau d'épines qu'errent la girafe et l'autruche, que l'Arabe 'bronzé vient paîtrer ses troupeaux, l'esclave chercher la gomme 'que son maître livre au commerce.'

The Sahara itself is by no means the monotonous sea of sand which we commonly figure to ourselves. Its surface is varied by many natural features, but none of sufficient magnitude to constitute distinct districts. 'The desert is habitable, *fiafi*, or 'uninhabitable, *khela*; bushy, *haitia*, or wooded, *ghaba*; stony, '*serir*, or covered with enormous rocks, *warr*. If it forms an 'elevated plateau, it is called *djebel*, in opposition to the 'maritime plain, *sahel*.' But everywhere it has the same climate, the same absence of rain, the same fierce vicissitudes of heat and cold, the same fearful simoom, or *khamsin*, rendering life scarcely supportable in the spring, until the violent etesians from the Mediterranean drive it back in summer and autumn, refreshing the desert with their cold, but powerless to bring with them their moisture, which remains precipitated on the summits of Atlas.

The population is, of course, grouped in the 'oases,' around the scanty springs of water which here and there come to the surface. What reservoirs supply these slender and yet never-failing sources, in a region where, on a surface nearly as large as Europe, no moisture whatever falls in ordinary seasons? The question is a curious one. Richardson is the only traveller (so far as we remember) who refers it to the extraordinary deluge of rain which falls in particular spots, at intervals often of nine or ten seasons. He mentions one case where such a phenomenon followed fifty rainless years, and which he conceives was sufficient to store the subterranean receptacles for the wants of another similar period.

The toils and dangers of Sahara travelling, and the strange phenomena of the desert, are familiar to us from many well-known narratives. Our French author, as his manner is, affects

greatly to depreciate them, and to attribute much of the popular notions on this subject to the imagination of travellers. Moving pillars of sand overwhelming caravans, armies buried under its bosom, and similar stories, he dismisses with contempt. On the 'Mirage' he enters into some curious particulars, although he attributes most of the marvels connected with it to credulity and romance.

'Il n'existe pas de voyageur en Orient ou en Afrique, qui n'ait vû le mirage d'eau ; on est en quelque sorte tenu de le voir, on se fait un programme en partant et il faut qu'il se réalise ; on tue des lions, on aperçoit une foule d'animaux fabuleux, on contemple les prodigieux effets de ce mirage dont la description semble devenue facile, et n'exiger que quelques frais d'enthousiasme. Nous vîmes alors devant nous, disent les voyageurs, une vaste nappe d'eau : elle semblait s'éloigner à mesure que nous nous en rapprochions. C'était le mirage, si connu des Arabes, et qui prodigue si souvent en Égypte ses consolations à des soldats épuisés de fatigue ou de soif. Je fais grâce au lecteur des exclamatives admirations qui ne manquent jamais de suivre la mention du phénomène : et je me borne à remarquer en passant que le mirage d'eau, peu fréquent dans l'intérieur de l'Afrique, est extrêmement rare en Égypte, où pendant un séjour de plus de deux ans il ne m'est jamais arrivé de le voir. Les plages salines de la Méditerranée peuvent sans doute lui donner naissance, mais je ne crois pas qu'il se produise jamais à la surface des terrains cultivés du Delta. Le phénomène n'étant du reste jamais décrit avec exactitude, je me trouve réduit à mes seules observations.' (P. 55.)

These observations are, however, less curious than those on what may be termed the mental *mirage*—the strange deceptions of sight and hearing which are produced on the traveller in the Sahara by excessive fatigue, by the effect of some peculiarities of climate and temperature not well accounted for, and above all during the prevalence of the terrible simoom. These personal causes have often produced effects attributed by travellers to the real mirage—by natives to supernatural agency.

'Souvent on est porté à attribuer au mirage des effets dont la cause doit être simplement cherchée dans la situation physique et morale de l'observateur. L'extrême irritation de la vue, une soif excessive, une sorte de demi-sommeil, donnent lieu à des illusions particulières, dans lesquelles le mirage n'entre pour rien. Une rêverie profonde peut, comme le délire, donner à chaque objet une forme nouvelle ; un rocher devient une maison, un buisson est pris pour un grand arbre, une étoile pour un phare, et ainsi de suite. L'œil injecté de sang ou de bile donne à tout ce qu'il regarde une teinte nouvelle. Le ciel paraît rouge ou verdâtre : le temps semble couvert, et l'observateur ne se rend pas toujours compte qu'il n'y a de nuages que sur ses yeux.'

The following is Mr. Davis's description of one of these phantasmagorias:—

'The morning, during the first hour's ride, was truly lovely, notwithstanding there being neither verdure nor diversity of scenery to charm the eye. Above us we had a vast expanse of blue ethereal sky, and beyond it, to our left, the sun, robed in splendour and brilliancy, displayed his Creator's power in a manner surpassing anything I had ever witnessed before. I looked to my right and before me: and though reality had no concern in it, still the eye was gratified with what appeared to be gorgeous mansions, composing magnificent cities, with their complements of lovely gardens; and the soft sands on which our horses trod seemed as gravel walks leading to them. Whether this was a mere optical delusion, I felt reluctant to inquire —ignorance in the present instance was indeed bliss, why dissipate it?' (Vol. i. p. 316.)

The reader may perhaps remember poor Richardson's account of the same description, in that terrible journey with the slave caravan from Gadames to Tripoli—one of the most painful pictures ever drawn in real or fictitious narrative:—

'Our brains reeled, and we all suffered from thirst. People 'seemed all mad to-day. One called to me "Yakob, listen!" I 'listened, but, being hard of hearing, I thought there might be 'some sounds. Another camel-driver pretended he heard melo-'dious sounds. On inquiring what music it was, he said, "Like 'the Turkish band." Then another came running to me, "Ya-'kob, look! see what a beautiful sight!" I turned to look, but 'my eyes were so weak and strained that I could see nothing 'upon the dreary face of the limitless plain. Essnousce swore 'to seeing a bright city of the genii, and actually counted the 'number of the palaces and the palms. I believe our people were 'delirious from the effects of yesterday's simoom.' Similar illusions are produced by the state of imperfect sleep to which the traveller is reduced by heat and fatigue; after two or three nights of march, he dreams in the saddle.

'Me trouvant une nuit près du fleuve Blanc, dans le désert, et sommeillant à demi, j'entendis distinctement le rugissement d'une hyène: il me sembla tirer de mes fontes un pistolet, ajuster l'hyène, tirer, et la voir rouler sur le sable. D'autres idées vinrent m'assaillir, mais l'illusion avait été complète. Côtoyant un instant après mon guide, je lui dis, "As-tu vû comment j'ai tué l'hyène?" "J'ai bien vû l'hyène se sauver," me répondit-il: "mais je ne t'ai pas vû la tuer; comment l'aurais-tu fait sans tirer sur elle?" "Comment!" lui dis-je: "n'ai-je pas tiré un coup de pistolet?" "C'est le sommeil," me dit-il en riant: "regarde tes pistolets." Je les tirai des fontes, et les trouvais chargés l'un et l'autre.' (*De Lauture*, p. 21.)

In one of the most central parts of the Sahara—a day's journey from the oasis of Ghaut—lies the strange labyrinth of castellated rocks, called by the natives the 'Kassar Jenoon,'

or 'Palace of Demons,' which mocks the traveller, like the pile in the valley of Saint John, by its resemblance to the work of human hands. It was in an attempt to explore its recesses that Richardson lost his way; and his account of his experiences in this dreadful situation is one of the most striking examples of this class of false 'mirage' which we remember:—

'Fatigue was overpowering me, and my senses began to reel 'like those of a drunken man. Now, indeed, I fancied I heard 'people call me; now I saw lights; now I saw a camel, with a 'person mounted, in search of me, to whom I called; and, 'what is strange, all these sights and sounds were about the 'natural, none about the supernatural. I was seeing, every 'moment, people in search of me. I heard them repeatedly 'call "Yakob!" I was amazed at the illusions of the Desert, 'for it was now day; the night might have its deceptions and 'phantasmagoria. Every tuft of grass, every bush, every little 'mound of earth, shaped itself into a camel, a man, a sheep,— 'something living and moving. Every moment a camel loomed 'in sight, which was no camel. There was also a hideous 'sameness, for there were no distinguishing marks; the mounds 'followed shrubs, the shrubs mounds, then a little plain, then 'sand, then again the mounds and shrubs, plain and sand,—an 'eternal sameness!'

Singularly enough, Dr. Barth, the undaunted and successful explorer who has just reached Timbuctoo, very nearly lost his life in the same circumstances and same place in 1850, in an endeavour to explore the Kassar alone, his guides being deterred by superstitious fears from accompanying him. He remained twenty-eight hours without water, to the astonishment of the guides, who believe that no man under such circumstances can survive in the Sahara more than twelve.

Much has been said of the sagacity which Arabs themselves acquire to guide them through this wilderness, by experience and strong necessity; but the following story, we think, beats any thing of the kind which has fallen in our way. The Dervish in Zadig, who narrowly escaped stoning as a conjuror, was a bungler in comparison with M. de Lauture's guide:—

'I was traversing one day the desert between Lobeidh and Sennar, when, observing on the sand the traces of two camels, I asked one of my guides what he thought of them.' "These camels," he said, "are ridden by a Turkish family, accompanied by an Arab servant, who has hurt his foot. The family is composed of a Turk of the inferior class, with either his wife or a slave girl, and a child, which cannot be more than two years old."

'Astonished at these details, I asked him where he had seen these

people. He could not withhold a smile. "I never saw them," he said; "but there must be two mounted persons, and a servant besides; for otherwise the lame servant would ride, instead of trailing a bandaged foot after him on the sand. As to the child" [but we will spare the reader the indications, extremely natural, by which the guide detected the presence of this innocent member of the party] "But I have not seen its footmarks, and presume, therefore, that it is carried in arms."

'"Very well," replied I, "but how do you know they are Turks?"

'"Turks or Egyptians," he said, "for they have spread a carpet to rest on; the Nubians and Arabs sit on the bare sand; also they wore shoes, and their servant alone is barefoot. Their poor equipage shows the class to which they belong; they travel with two camels and have no tent and a single servant: the Turk is at the most a government official of low rank."' (P. 596.)

It turned out, in effect, that the travellers exactly answered the description, the principal being an Egyptian Copt in Government employment.

But we must hasten to the object which has chiefly induced us to notice these volumes,—the bearing of their contents on the questions now exciting such general interest respecting the future destinies of Christendom and Islam.

Thirty years ago, the events of the Greek Revolution roused up the mutual antipathy of the two religions, after some ages of quiescence, and revived among our literary classes the ancient spirit of speculation on the progress and destinies of the religion of Mohammed. Another generation sees the same questions once more uppermost in public thought, but with a marked difference in the popular mode of viewing them. Immediate contingencies—the chance of the great wheel of political fortune, which allies us for the time with the followers of the Prophet against those who profess themselves the special defenders of the Holy Sepulchre and the Christian religion—furnish, of course, as usual, the prevailing impulse to the public mind of the day; and there are numbers who have satisfied themselves at once, that because the Czar is false and ambitious, therefore the Turks are a generous, tolerant, liberal people, and their religion by no means so bad as we used to fancy it; these critics, for the most part (as many as are old enough), being the same who in 1824 were of opinion that the Turkish blood and faith ought to be instantly extirpated from Europe, and that the Greek Cross was the only appropriate symbol to conjoin with the cap of liberty. But apart from these mere movements of the surface of public opinion, there has been undoubtedly a growth in our knowledge and appreciation of

that vast phenomenon, the religion of Mahomet,—a religion professed by 150 millions of the human race, and at this moment not existing inertly, like the great old Pagan creeds at its side, but externally thriving and advancing to an extent little imagined by those who only see the aspect which it presents towards the European world,—a religion great in its leading idea, shaming by its spiritualism the more degraded types of Christianity, wise and beneficent in many of its details, yet struck, to all appearance, with the one grand curse of perpetual sterility. It seems incompatible with civilisation. Its dominions gird those of Christendom by sea and land with two thousand miles of frontier, and yet to the internal progress of Christian nations, no corresponding movement whatever answers within their neighbours of Islam. The ephemeral efforts of a reforming Sultan or a liberal Pasha pass away like a mere ripple from the surface of that dead sea of inertness, and the generations of men, one moment disturbed by the intrusion of ideas unsympathetic to their constitution, return again into their ancestral sleep.

It is no matter of surprise that the immediate impression produced on the visitor from the active and advancing West, to any of the conterminous regions of Mohammedanism, should be that of decay. He believes the religion itself which shows so few outward marks of life, to be dying out; the scanty population, crouching among the ruins of earlier grandeur, to be diminishing on the surface of the land. Yet nothing is less proved than the positive decline either of the Mohammedan religion or of the numbers professing it. Even in Turkey, where, if anywhere, such theories might seem well founded, it would be matter of no small difficulty to prove them. Had depopulation been proceeding there at the rate so confidently assumed by so many philosophic, or devout, or classical observers, the country would have been a desert long ago. 'Mr. Eaton,' says Malthus in his quiet way, 'has lately prophesied the extinction of the population 'of the Turkish Empire in another century — an event which 'will certainly fail of taking place.' So far is this from being likely, that every new statistical compiler gives a larger number of inhabitants to the collective realms of the Sultan.* Doubtless

* The following enumerations, proceeding at different times from those writers who have paid most attention to the subject, are at least curious.

| | Turkey in Europe. | In Asia. |
|---|---|---|
| Guthrie (1810) | 8,000,000 | 10,000,000 |
| Urquhart | 12,180,000 | |

the Mussulmans form a small minority of the people in his European dominions; but was this ever otherwise? are they positively less numerous than at any former period? Along the main lines of communication, and in the parts chiefly visited by European travellers, there is no doubt an ominous scarcity of inhabitants, for in Turkey the neighbourhood of the high road is precisely the opposite of what it is in Christendom; the most deserted part of the country. But let the tourist get out of the beaten track — let him follow Mr. Bowen into the Mussulman districts of Macedonia or Epirus, or Sir Charles Fellowes into the pastoral highlands of Lycia, or Mr. Hamilton in his painful antiquarian marches through the central regions of Asia Minor, and he will derive a very different notion of the strength and resources of the children of Othman, even in this their day of relative depression. And, to pass to another of these frontier regions between the Moslem and Christian — the tract occupied by the Barbary regencies had been for ages proverbial for the contrast between modern decline and ancient populousness. The general belief a few years ago was, that the desert commenced within a few miles of the gates of Algiers and Oran. The French occupation taught a different lesson; the invaders discovered that they had to make subjects or enemies of a vast and thriving agricultural population, and our French writer, M. de Lauture, does not hesitate, even to our surprise, to term Algeria 'as populous as Andalusia.'

That the faith of the Turkish Moslem is declining, will hardly be maintained in the face of the political events which are now passing around us; but we prefer to give on this head, the conclusions of the Rev. Dr. Newman in his just published 'Lectures on the History of the Turks;' — a series of essays somewhat carelessly thrown together, and not intended, as the writer himself states, for publication; but interesting, acute, and suggestive, as other products of that powerful and singular mind. We cite him the more as a witness, because his general tone is peculiarly hostile to the Turks, and the argument, if

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| | Turkey in Europe. | In Asia. |
|---|---|---|
| Balbi (1826) | 11,100,000 | |
| „ (1844) | 15,500,000 | |
| Boué (1840) | 14,580,000 | |
| Von Bessé (1854) | 15,500,000 | 16,200,000 |

We need hardly say that we do not cite these numbers as proving a real increase to the amount indicated, or as positively dependable at all. But they seem wholly incompatible with the notion of depopulation.

such it can be termed, of his Lectures, is the triumphant antagonism of the Papal power to the Ottoman.

'No well authenticated tokens come to us of the decay of the 'Mahometan faith. It is true that in one or two cities, in 'Constantinople perhaps, or in the marts of commerce, laxity of 'opinion, and general scepticism, may to a certain extent 'prevail; as also in the highest class of all, and in those who 'have most to do with Europeans; but I confess nothing has 'been brought home to me to show that this superstition is not 'still a living energetic principle in the Turkish population, 'sufficient to bind them together in one, and to lead to bold and 'persevering action. It must be recollected that a national and 'local faith, like the Mahometan, is most closely connected 'with the sentiments of patriotism, family honour, loyalty towards 'the past, and party spirit; and this the more in the case of a 'religion which has no articles of faith at all, except those of the 'Divine Unity, and the mission of Mahomet. To these must 'be added some more general considerations; that they have ever 'prospered under their religion, that they are habituated to it, 'that it suits them, that it is their badge of a standing antagonism 'to nations they abhor; and that it places them, in their own 'imagination, in a spiritual position relatively to those nations, 'which they would forfeit if they abandoned it.' (*Lecture on the History of the Turks*, p. 277.)

It is not so many years since travellers from the North were accustomed to speak of the depopulation of Italy as they now speak of that of Turkey, and of the imminent fall of the Papacy as they now predict the overthrow of Islam. Such hasty conclusions flatter at once the prejudices of philosophy, and the intellectual self-complacency of the observer himself. They are also in accordance with the energetic spirit of modern activity, which cannot realise to itself the condition of a stationary or nearly stationary community, and fancies it one of actual decline. Thus the North American pronounces Europe retrograding, simply because the rapid advance of his republic outstrips that of the older quarters of the world. It requires longer, and above all, more patient and considerate observation, to detect the obstinate vitality which often animates what are termed worn-out races and institutions.

'Not only,' says M. de Lauture, 'is the number of unbelieving and indifferent not greater now than it was in the early ages of Islamism; it is in truth much smaller. And if that religious spirit which once achieved so many prodigies reveals itself no longer in our day by anything great or glorious, it is not the fault of the people of Islam; it is not they who are demoralised, who tremble at

the idea of war; it is not they whose weak hands let fall the sword of Mahommed the conqueror, of Selim the inflexible, of Soliman the lawgiver; the people is what it ever has been, it only wants a chief; but this chief has long been wanted.

'In Africa, in Asia, in Europe, Islamism has lost nothing. Faith is everywhere vivid, and if piety is more rare than faith, this has always been equally the case. A Mussulman faithful to all the prescriptions of the law and all the traditions of the Prophet is in fact a model not often met with; and although the mosques are four or five times more frequented in the East than the churches in France, they are still by no means so much so as the law of observance requires. The Mussulman, says a tradition of the Prophet, who without valid excuse misses three times the Friday service, may be considered as having departed from the faith. If this principle were followed out with rigour, the number of Mussulmans would no doubt be small indeed. But, strange to say, the least devout classes in the East are precisely those which are most devout in Christendom; women, peasants, and the lower classes generally. The explanation of this fact is not difficult to find. *I think it therefore advisable not to indicate it here.*' (P. 188.)

One great proof of reality our author finds — and rightly so — in the continued prevalence of the almost single rite of this unritual religion, the pilgrimage to Mecca.

"J'ai feuilleté, dans la Terre Sainte, les régistres des voyageurs: j'y ai vû les noms de beaucoup d'Anglais allant du Caire à Damas, attirés par le climat et la curiosité: de pélerins point: si ce n'est quelque prêtre catholique, ou quelque missionnaire Anglican ou Luthérien se rendant dans l'Inde ou sur la côte orientale d'Afrique. D'après l'abbé Michon, le nombre annuel des pélerins catholiques est de quatre-vingts: celui des orthodoxes plus dévots de douze mille. Chaque année, cependant, soixante mille musulmans quittent l'Inde, la Perse, la Turquie, le Maroc ou le Soudan, se dirigeant à travers mille dangers et des fatigues inouies sur le temple de la Mecque, qui n'est, à leur yeux, que le premier oratoire élevé par l'homme à son Créateur, qui ne renferme pas le tombeau de leur Prophète, et encore moins comme Jérusalem, la tombe, ou le vestige de Dieu lùi-même.' (P. 156.)

This comparison between Christian and Mohammedan pilgrimages will not hold good; for the simple reason that the visit to Mecca is commanded to the Mussulman, while no such resort to Jerusalem is enjoined to the Christian: it is to him a mere act of voluntary devotion: a devotion which has been from all times divided between a thousand local shrines through the influence of caprice, patriotism, or interest. Nay, notwithstanding the temporary fervour of the Crusades, it may be doubted whether the pilgrimage to Jerusalem has been always a popular act of devotion among Western Christians: whether

aversion to Jewish rites and recollections has not partially counteracted the solemn attractions of the Holy Land. Still, those attractions are of overpowering greatness. The splendour of national shrines, in these latter days, waxes faint and dim: Loretto and Compostella are little more than names, with scarcely more meaning than those of the oracular sites of Greece in the last times of paganism: Rome herself invites to little purpose the whole world within her everlasting walls in her great years of jubilee: the devotional habits, even of those who still cling to mediæval forms of faith, have taken another direction, and the simple old pilgrim spirit scarcely survives in the West, except among a few secluded peasant races. But the personal and local memories of the great Founder of our religion seem to stand forth even in more awful distinctness, as the shadows which had been raised between man and him recede gradually into darkness; and Jerusalem beckons to her solemn precincts those spirits to which such pilgrimage is the satisfaction of a deep craving of the heart, no idle observance or work of imaginary meritoriousness. It is, perhaps, not altogether a futile expectation, that the day which beheld once more a Christian Jerusalem, would see a heavy blow aimed at the supremacy of Christian Rome. But we are wandering far from our subject.

M. de Lauture strongly holds and expresses the somewhat paradoxical opinion, that the pastoral inhabitants of the African and Arabian deserts, so far from being the purest Mahometans, as commonly supposed, are perhaps the least devoted of all nominal followers of the Prophet.

'The Arab, it is said, is an enthusiast, and the poetical instinct which animates and often bewilders him, must needs render him intensely religious; he must be credulous, superstitious, devout, fanatical. A fundamental mistake. The Arabs, in their native and essential character, are the most sceptical and irreligious of all nomad races. Nomads in general are not superstitious; they are indifferent in religious matters—more indifferent than ourselves—and this is a common law. Their religion, when they have one, is monotheism; it would be difficult to find an example to the contrary. There were idols, we are told, at Mecca, Medina, and Tayif, long before Islamism. No doubt; but these places were cities, and their inhabitants became idolaters only when they ceased to be shepherds. I shall be told that the Arabs of the tents performed in these early times the pilgrimage to Mecca: say rather that they went there to sell their horses and sheep, to guide caravans, to read verses, and to amuse themselves. I cannot believe it was devotion which took them there. Since that period, Mecca has become the centre of Islam; the Arabs of the desert have adopted that religion, voluntarily or perforce; and, never-

theless, there are scarcely any Arabs to be found among the faithful who accomplish the rite of pilgrimage. There are Arabs who come and pitch their tents, year by year, under the very walls of the holy city, and who die at eighty without ever having had an idea of embracing the black stone, and performing the ceremonies prescribed by the Koran, and indicated by the Prophet as conditions for the celestial reward. The Persian, the Crimean, the Turk, traverse half Asia, the blacks of Senegal undertake a two years' journey, in order to address their fervent prayers to God in the chief sanctuary of Islam. The Bedouin will not take ten steps or spend a quarter of an hour to make sure his salvation, and accomplish a duty to which the example of so many nations invites him every instant. Nor must you even judge of the nomads from the specimens you may meet in the neighbourhood of cities. The Bedouin of Algeria, surrounded on all sides with flourishing towns and cultivated fields, offers but a feeble and discoloured image of his ancestors: he is a kind of mestizo, half nomad half peasant: his dress is complicated; he carries a gun, he requires a saddle to ride, he possesses date trees or sows his field. If you would study the Arab, let it not be on this Bedouin, who is rather a kind of Fellah: seek the true, primitive, virgin type of the antique shepherd in Arabia, in the desert of the Anézi, or in Soudan: you will find there neither Iman, nor Muezzin, nor dervish, nor marabout, nor Koran, nor catechism.

'I was once travelling in the Soudan with an Egyptian secretary: we had sometimes to claim in the evening the hospitality of the desert. I begged him to chaunt the call to prayer, like the Muezzins of Cairo: the astonishment of the Arabs amused us greatly. "What is he singing?" they asked me: "what does it mean?" "It is the call to prayer," I said: "have you never heard it?" "Never." "Do you not pray?" "We cannot: water is scarce with us, and ablutions take a great deal." "Cannot you use sand? it is for your sake that the Prophet instituted the *teyemmum* (sand ablution): let me show you how to do it." "It is not worth while: we are Arabs, and not saints."' (Pp. 341-2.)

As far as carelessness in the matter of pilgrimage goes, we do not doubt that the environs of the shrines of St. Thomas of Canterbury and St. James of Compostella furnished instances quite as striking as the contrast between local apathy and foreign reverence: for neither saint nor prophet enjoys much of this kind of honour in his own country. But the whole passage is remarkable, and suggests much of serious thought. It is necessary, however, to distinguish, more carefully than our Frenchman is perhaps qualified to do, between the spirits of indifferentism and puritanism. Milton was no latitudinarian when he taught

> 'That God attributes to place
> No sanctity, save what is thither brought
> By men who there frequent, or therein dwell.'

It is among the purest Arabs of the desert that those reforming sects have arisen which have striven from time to time to bring back the religion of the Prophet to the pure Monotheist type: the Zeidites of Yemen, in Niebuhr's time, and the more remarkable Wahabites who succeeded them, were chiefly recruited, we believe, from under the tents of the Nomad.

While on the subject of Mohammedan Puritanism, we may mention as a curious circumstance the permanence of the Montanist spirit in its old haunt—the country of Tertullian. Mr. Davis speaks of 'the heretical sect called Hargjeeah, inconsiderable in point of number, and confined to the island of Jerba (off the coast of Tunis). These are very much hated by the other sects, on account of their believing that God never forgives a crime.' (Vol. ii. p. 169.)

But if we wish to witness the religion of the Prophet still in its youth, instead of either in decrepitude or vigorous but stationary, we must look to those distant regions of the East and South towards which its advance is matter of recent history. In the East a very large portion of the great Malay race has adopted it within the few last centuries. It has penetrated throughout their vast archipelago. All the Malays of Borneo (we have been informed) are now Mahometan: and Mahometan by conversion, not by conquest: for Dr. Newman is surely altogether mistaken in asserting that 'the idea of Mahometan missions and missionaries, except as an army in the field may be considered as such, is never suggested to us by Eastern historian or traveller, as entering into their religious system.' We have heard, on the contrary, although we will not vouch for the fact, of regular Mahometan missions established even in the eastern parts of China. Farther and farther, towards the remote region where East and West meet, the Koran is achieving its triumphs over Paganism, and is heard of even on the coast of New Guinea, where its zealous apostles meet the advancing van of Christian conversion from the Pacific.

But it is towards the south, among the negroes of Soudan, that its greatest progress has of late been made. Our French writer draws a rough line of demarcation between Mohammedanism and Paganism, or Fetichism, in Africa, at 10° N. latitude, describing this boundary also as dividing the 'educable' from the 'non-educable' tribes of negroes. Even this division would give the Prophet exclusive dominion, almost without any admixture of other religions, over one-half the African continent. But that dominion really extends far more to the south. The Fellatah conquests have carried it beyond the Niger and Quarra, even to the Bight of Benin, where, although yet very inferior

in numbers, it is rapidly gaining ground on Fetichism. The history of the last great Mahomedan conqueror, Sheik Othman Danfodio, is given by Mr. Davis (vol. ii. p. 222.). A thousand years after the Saracen leader Okba had turned back from the Atlantic in Morocco, this Fellatah chief planted his standard by its waters, near the mouth of the Gambia, leaving the vast Pagan populations of Soudan subjugated or terrified behind him. He died in 1816; and his successors, the Sultans of Sockatoo, appear hardly to have expanded the conquests of their faith since his time; but they have materially consolidated and strengthened them. Their successes were at one time such as almost to encourage the African popular belief in the great Mahometan conquest of the world, which is to precede the arrival of 'Dejal,' the great Adversary. The vantage ground thus obtained by conquest has been extended by conversion. Fez, Kairouan, and other seminaries of the priesthood, send yearly swarms of teachers into Negroland. Our unfortunate Niger expedition of 1841 fell in with these rival missionaries from the North at Rabbah and Fundah, scarcely above the tide waters of the great river. 'The advice of the Malims, or 'teachers,' says its historian, 'is taken on all occasions, 'and they already lead the minds of the people.' Meanwhile, on the opposite or east coast of Africa, Arab merchants and adventurers appear to be extending the limits of Islam with ominous rapidity. M. de Lauture mentions its spread in Madagascar; he specifies, of his own knowledge, a chief of that part of the island frequented by the French, who has just embraced it, with all his people, merely in order to get rid of the importunities of a Christian missionary.

We have thus the singular fact before us, that while both Christianity and Mahommedanism had their origin in the leading race of mankind, the 'Caucasian,' and while the former has hitherto found a real home with that race only, the latter has been imported, and embraced without reserve, by three more, the Tartar, the Malay, and the Negro. Nor is it a mere corrupt or degenerate form of the religion which has thus prevailed. Generally speaking, there has been no accommodation with idolatry: the faith professed even by the most recent converts is in most instances pure, and their devotion to the one God and his Prophet unsectarian in its character. We notice this remarkable circumstance, not as drawing any special inference from it. Our knowledge, we believe, is by no means ripe for deducing any such, which shall be more than an amusement for philosophic ingenuity. But it answers only too conclusively those sanguine interpreters of the future, who imagine that the

part of Mahometanism in the history of the world is nearly played out.

And yet that the Mussulman is a declining religion is true enough, if we confine our view to those regions of the world in which it is repressed by the superior energy of Christianity; and if we remember also that this decline is rather relative than positive—that it is to be measured less by what Islam has lost than what the Cross has gained, not so much by territorial conquest, as by the spread of civilisation, to which its Eastern rival is utterly and irreconcilably antagonistic.

The first great cause of that decay, and that want of adaptability to civilisation, is doubtless the fixed, unchangeable nature of a religion embodied in a series of positive precepts, written and traditional.

'Le monothéisme ne sera pas toujours une cause de civilisation rapide, ni le polythéisme une cause de barbarie. Le genre de vie des peuples nomades et colonisés conservera sur eux une plus grande influence. Mais, dès qu'un système religieux aura été formulé par un prophète, immortalisé dans un livre, ce système pourra acquérir la plus grand influence sur l'avenir des peuples qui l'auront adopté. Le degré de cette influence politique et morale dépendra de la netteté, de l'étendue des préceptes de la religion nouvelle. Ces préceptes embrassent-ils tout? renferment-ils la loi entière, loi politique, loi civile, loi pénale, tout s'y trouve-t-il invariablement fixé, interprété, aprécié par avance, décidé sans appel? Ils deviennent une barrière fatale où doit se heurter l'esprit de l'avenir; ils substituent au lent progrès des siècles, l'expression relativement imparfaite des connaissances et de l'état moral de l'humanité, à une époque quelconque de son développement. Séduit par une vaine apparence, l'homme croit, en les adoptant, tenir la vérité, en les suivant, posséder toute la sagesse; il cesse de chercher, de poursuivre cette vérité, cette sagesse, et, dès lors, ne les atteindra jamais. Des lois, bonnes à l'origine, convenables à un état social peu avançé, deviendront de jour en jour plus insuffisantes, et paraîtront plus imparfaites; mais on n'osera ni les changer, ni les discuter même, car on les attribue à Dieu, et la magistrature, qui en a reçu le dépôt, est là pour les défendre. Le Christianisme a sur ces religions l'admirable avantage de n'être pas une loi concrète, formulée en des milieu de préceptes, mais seulement une idée plus haute que les préceptes, qui en est l'âme et la vie, et permet le développement graduel, favorise le perfectionnement de l'humanité.' (*De Lauture*, pp. 134, 135.)

In the next place, it is impossible not to be struck at once with the total want, on the part of Mahometanism, of the principal among those outward helps and appliances which have been regarded (even by those who see in them nothing more sacred) as among the chief subsidiary causes of the temporal success of Christianity. The religion of Mahomet has no mys-

teries, no church, no altars, no sacrifice or offering, no sacraments, no priesthood: its so-called priests are like those of Protestants, ministers of public worship, teachers and preachers, and nothing more. The sanctity which attaches by usage to places and objects is almost wholly an excrescence superadded by sectarianism to the faith — not any substantial part of it. And M. de Lauture brings prominently forward this singularity — that the religious orders of Islam, which have been so often likened to those of Rome and the Eastern church, are in reality its secret enemies instead of its sworn defenders.

'Rien de semblable ne se passe en Orient; là pas d'infaillibilité, pas de discipline efficace; des ordres religieux, attribuant leur première origine aux Khalifes légitimes, comme les *mevlevis* à Abou-Beker guéri par le Prophète, et tournant dans la caverne, les *bektachi* à Ali, et d'autres à Omar, ne font que cacher sous ce spécieux mensonge leur origine hindo-persane, en même tems qu'ils revêtent du manteau de l'Islamisme leurs doctrines secrètes, réminiscences de celles que Pythagore apportait à la Grèce, ou de celles qu'Epicure enseignait, et que l'immortel Lucrèce nous a fait connaître.

'Les *bektachis*, dont la fondation remonte à Hadji-Bektach, qui sous Oskhan I. bénit les janissaires, en sont le plus remarquable exemple; soit que Hadji-Bektach ait lui-même professé leurs doctrines actuelles, soit qu'elles ne se soient glissées qu'après lui parmi ses sectateurs apparents, ces doctrines n'ont avec l'Islamisme aucun point de contact. Affectant en public un foi vive, une dévotion ardente, c'est dans l'intérieur de ses couvens, loin des regards indiscrets de la foule, écartant même ceux des derviches d'un autre ordre, que le vrai *bektachi* se revèle; si, dans la rue, pour saluer un frère, il appuie à ses lèvres comme le Dieu du silence l'index bien ouvert de sa main droite, c'est, dit-il au profane, pour rappeler le geste qui dans la prière accompagne la profession de foi de l'Islamisme. A peine cependant a-t-il franchi les murs qui le dérobent à la curiosité hostile des ulémas que sa profession de foi devient une autre. Chaque âme humaine, dit-il, est une portion de la divinité, et la divinité ne réside que dans l'homme. L'âme éternelle servie par des organes périssables change constamment de demeure, mais sans quitter la terre; le ciel et l'enfer seraient des fables, si la terre n'était elle-même un paradis pour l'homme initié aux mystères du plaisir, et que la mort, ce mensonge lugubre, l'enfer, ce mensonge terrible, ont cessé d'effrayer. Toute la morale consiste à jouir des biens du monde sans nuire à autrui, et tout ce qui ne fait de mal à personne est licite et indifférent. Le sage est néanmoins celui qui règle des jouissances; car le plaisir est une science qui a ses degrès, un mystère qui peu-à-peu se découvre à l'œil des initiés. De toutes ces jouissances, la plus vive est la contemplation, qui devient la rêverie et la vision céleste.

'La contemplation dégénère souvent parmi les Bektachis en hallucination; c'est aux substances énivrantes, mais surtout au *hachich*

qu'elle emprunte ce dernier caractère. Révolutionnaires en politique, toujours remuants et alliés fidèles des janissaires, les Bektachis, frappés avec eux, leur ont cependant survécu; leur influence a reparu; le nombre de ceux de leurs affiliés qui n'habitent pas les couvents est énorme en Asie, et dans la Turquie d'Europe; à Constantinople, je l'ai entendu evaluer à un tiers des habitans de cette ville. L'Islamisme est chez les Turcs miné par l'action incessante des ordres religieux; mais ce péril a existé de tout tems, et s'est montré quelquefois bien plus redoutable qu'il ne l'est aujourd'hui. Il ne menace d'ailleurs que l'Europe et l'Asie; on n'a pas à le redouter en Afrique.' (Pp. 202, 203.)

These affiliated orders, in short, play the same undermining part in Turkey which is performed by the Sufee associations in more eastern countries: and Dr. Newman is quite mistaken (except as regards the name) in supposing that there is no Sufeeism among the Turks. The Templars (in their later days) present the only analogous case among Christian orders; and these doubtless brought back their mystic epicureanism from the Holy Land: perhaps from contact with the followers of the Scheik el Djebel, the Old Man of the Mountain, who, according to our French author, were Sufees, and found their imaginary 'Paradise of Sin' in the fumes of 'haschich.'

As the religion of Mahomet has no church, so it likewise has no state, no consecrated form of political government, no principle of religious loyalty. Its only real legitimacy expired with the four first Caliphs. In Turkey and Morocco, perhaps some other Mahometan states, hereditary monarchy is no doubt recognised by the political habits of the people; but the imperfection of the system and vague notions respecting descent are evinced by the practice, scarcely yet obsolete, of general massacre of the male seed-royal, whenever 'Amurath an 'Amurath succeeds,' in order to extinguish the chance of rivalry.

'The spirit of Islamism,' says M. de Lauture, 'is democratic. Men are equal, says the Prophet, like the teeth of a comb. His own descendants, the Sheriffs, the Seyds, have no doubt always enjoyed a certain amount of consideration; but their preeminence, purely theoretical, gives them no practical advantages in life. Many are constantly found in the most humble condition, and even in abject poverty. This absence of all aristocracy, this fatal level which abases the loftiest individualities, the substitution of favour for merit, and of intrigue for birth, are not the least active among the causes of the decay of the Turks, and of the weakness and corruption of their government.' (P. 168).

This democratic spirit, be it observed, is not among the Moslem a jealous, eager impulse, as among western populations

still galled from the old chains of feudalism; it is a tranquil, profound, unvarying sentiment, proud at once and humble, compounded of the sense of common equality among men and common submission under an overruling destiny. It is scarcely necessary, in our days, to show how well such a spirit agrees with that of apathetic political resignation, and with a total absence even of the idea of political rights. And hence the great Mussulman world lives on from age to age, under a succession of fortuitous transitory despotisms, which seem but to struggle for their petty day through the ordinary course of oppression and injustice, and then perish without leaving a memorial.

Is the religion, thus remarkably destitute of many of the most obvious sources of stability, held together to any real extent by the strong and exclusive fanaticism of its people? Are the Mahometans of our time intolerant? 'The religion 'which Mohammed established,' says Mr. Davis, 'breathes the 'same spirit of hatred towards infidels now, as it did when it was 'first introduced.' 'Les Musulmans accusés de fanatisme, se sont 'au contraire perdus par la tolérance,' replies M. de Lauture. Such are the flat contradictions with which we meet every day, in writers not ill-versed in their subject; there is no point on which there is less agreement than this. Truth, as usual in such cases, seems to be discoverable in both views of the question; but truth which cannot be fairly eliminated without some difficulty.

That Mahometanism should be tolerant, if it followed its own first principles, is sufficiently well known. The commands of the Prophet on that head are clear, and cannot be evaded. Infidels (Christians and Jews at least) are to be subdued, not persecuted. 'There must be no violence in matters of religion,' says the Koran; 'God directeth whom he pleaseth in the right 'way.' And all the earliest and purest tradition of Islam teaches the same lesson. The early Caliphs, the most famous saints, have all left some precepts of gentleness towards the unbeliever embodied in their legendary history. Nor have there been wanting at all times enlightened Moslems who have acted and taught in the true spirit of their religion in this respect. But the general result of twelve centuries has proved how inefficacious the positive precepts of a moral legislator almost invariably prove, in comparison with the spirit which those precepts indirectly produce.

The bigotry and intolerance of Mussulmen are not the product of doctrine, but of that intense spiritual self-exaltation which is engendered by what Isaac Taylor has emphatically termed

'the religion of Pride;' the conviction of their own moral superiority to all who do not share in their belief. In this respect again there is an analogy, often remarked by controversialists, between some traits in their history and that of Protestant sects. Intolerance is directly contrary to the fundamental precept on which alone Protestantism can rest, that of liberty of judgment; and yet Protestant intolerance has been as bitter as enlightenment and civilisation would allow. The spirit of religious pride, which its creed has too often nourished, has been so powerful as to obliterate the results of that creed's direct elementary teaching.

Here, again, we trace the fundamental difference between the mode in which the two religions, Christian and Mahometan, convey moral truth. The Bible does not condemn in terms religious persecution. There is no direct precept against it. On the contrary, there are many which, as we too well know, fanaticism has wrested at all times to its own mad purposes. The early traditions of our faith convey no lessons against it. Our saints and martyrs, whatever other lesson they may read, rarely enough preach to us one sentence on the inestimable truth of religious forbearance. And yet, through all this cloud of misunderstanding and prejudice, the plain clear truth of the religion—not express, but implied and pervading,—has so gradually wrought its way, that whatever vitality the old spirit of persecution may still possess, any downright possession of it is become almost as rare as any public recognition of the contrary principle would have been in the days of Saint Bernard or Saint Louis.

Mahometanism, on the contrary, has remained stationary in this as in other respects. There is no development in it of new life—no spirit of progress breathes on the dry bones. The letter of the Koran remains, as at the beginning, the watchword of enlightened and comprehensive tolerance among the liberal. The undercurrent of fanaticism, fed by spiritual pride, counteracts as effectively as ever its wholesome lessons among the more prejudiced classes. We must not form our notions on this subject from the state of things now prevailing in the regions conterminous to the two religions, where the ascendancy of the Cross has terrified the Moslem into toleration, but go to Fez or to Bokhara, or with Mr. Davis within the precincts of the Holy City of Cairouan, rarely visited by an unbeliever:—'How 'many were mechanically counting the beads on their rosaries, 'pronouncing, as each fell, either the name of God or one of his 'attributes, and, on observing us, interpolated a curse on our 'heads! This was sufficiently evident to us when we observed

'that peculiar distortion of the countenance, accompanied by 'the grinding of the teeth and the wagging of the head. Poor 'people! I could not help pitying them. The spirit of their 'forefathers is still within them.' (Vol. i. p. 74.)

'The wars,' says Mr. Davis, 'which the French have carried 'on with the Arabs of Algeria, since the year 1830, have amply 'supplied the Sahara with deserters, and these have formed 'capital scope for the exercise of the Mohammedan conversion 'spirit.' Two of a party of deserters from the French foreign legion were (he tells us) actually burned alive in a frontier village of Tunis, 'for refusing to repeat the Mohammedan symbol 'of faith—"There is no God but God, and Mahomet is the '"Prophet of God."' An Italian deserter, who had been set to cast cannon for the Sheikh of Tuggurt, in a fit of impatience at some interruption by the Arabs, 'cursed their religion.' He was instantly stoned, and the Sheikh ordered all his family to be put to death; his wife was murdered; a girl of twelve years old saved her life by submitting to conversion. We might multiply instances from Mr. Davis' pages, but enough has been said to show that the Tunisians of the interior, where they stand in no fear of Christian ships and consuls, are no degenerate descendants of the subjects of those bloody Almohades, who trampled into utter annihilation the numerous churches of Northern Africa.

Such is the testimony which the most observant writers of the present day appear to bear to the actual condition of Mahometanism; to its essential permanence throughout its vast dominions, and the continuance of its conquering and converting spirit; to the permanence, also, of that unchangeable state of disorder and disintegration, which seems to render all progress impossible, and yet which it is a great error to confound too generally with decline: to its truth and its falsehood, its grandeur and meanness, its incapacity to admit some of the vices, as well as the many virtues, of that civilisation which, after centuries of contact, cannot advance a step within its precincts. Many lessons may be deduced from their observations, but the best of all is, the trivial one of 'quietness and confidence;' to leave to interpreters of prophecy, on the one hand, and enthusiastic apostles of 'progress' on the other, the belief in mighty and fundamental changes as imminent on any slight disturbance of the political surface of the world; to remember that, as the wit of man has failed either to arrest, or well to comprehend, the causes of the spread and permanence of this vast imposture, so it is scarcely probable that it can either prognosticate or accelerate their termination.

ART. IV.—1. *Reports from the Select Committee on Railway and Canal Bills; together with the Minutes of Evidence, &c.* 1853.

2. *A History of the English Railway; its Social Relations and Revelations.* 1820–1845. By JOHN FRANCIS. 2 vols.

BELIEVERS in the intrinsic virtues of political forms might draw an instructive lesson from the politics of our railways. If there needs a conclusive proof that the most carefully framed constitutions are worthless, unless they be embodiments of the popular character,—if there needs a conclusive proof that governmental arrangements in advance of the time will inevitably lapse back into congruity with the time; such proof may be found over and over again repeated in the current history of joint-stock enterprises. As devised by Act of Parliament, the administrations of our public companies are almost purely democratic. The representative system is carried out in them with scarcely a check. Shareholders elect their directors, directors their chairman; there is an annual retirement of a certain proportion of the board, giving facilities for superseding them; and, by this means, the whole ruling body may be changed in periods varying from three to five years. Yet, not only are the characteristic vices of our political state reproduced in each of these mercantile corporations—some even in an intenser degree,—but the very form of government, whilst remaining nominally democratic, is substantially so remodelled as to become a miniature of our national constitution. The direction, ceasing to fulfil its theory as a deliberative body whose members possess like powers, falls under the control of some one member of superior cunning, will, or wealth, to whom the majority become so subordinate, that the decision on every question depends on the course he takes. Proprietors, instead of constantly exercising their franchise, allow it to become on all ordinary occasions a dead letter; retiring directors are so habitually re-elected without opposition, and have so great a power of insuring their own re-election when opposed, that the board becomes practically a close body; and it is only when the misgovernment grows extreme enough to produce a revolutionary agitation among the shareholders that any change can be effected. Thus, a mixture of the monarchic, the aristocratic, and the democratic elements is repeated with such modifications only as the circumstances involve. The modes of action, too, are substantially the same; save in this, that the copy outruns the original. Threats of resignation, which minis-

tries hold out in extreme cases, are commonly made by railway boards to stave-off a disagreeable inquiry. By no means regarding themselves as servants of the shareholders, directors rebel against dictation from them; and frequently construe any amendment they may urge into a vote of want of confidence. At half-yearly meetings, disagreeable criticisms and objections are met by the chairman with the remark, that if the shareholders cannot trust his colleagues and himself, they had better choose others. With most, this assumption of offended dignity tells; and, under the fear that the company's interests may suffer from any disturbance, measures quite at variance with the wishes of the proprietary are allowed to be carried. The parallel holds yet further. If it be true of national administrations, that those in office count on the support of all public *employés*, it is not less true of incorporated companies, that the directors are greatly aided by their officials in their struggles with shareholders. If, in times past, there have been ministries who spent public money to secure party ends, there are, in times present, railway boards who use the funds of the shareholders to defeat the shareholders. Nay, even in detail, the similarity is maintained. Like their prototype, joint-stock companies have their expensive election contests, managed by election committees, employing election agents; they have their canvassing with its sundry illegitimate accompaniments; they have their occasional manufacture of fraudulent votes. And, as a general result, that class-legislation, which, until of late, was habitually charged against statesmen, is now habitually displayed in the proceedings of these trading associations; constituted though they are on purely representative principles.

These last assertions will probably surprise not a few. The general public who have little or no direct interest in railway matters, — who never see a railway journal, and who skip the reports of half-yearly meetings that appear in the daily papers — are under the impression that dishonesties akin to those gigantic ones so notorious during the mania, are no longer committed. They do not forget the doings of stags and stock-jobbers and runaway directors; they remember how men of straw held shares amounting to 100,000*l.* and even 200,000*l.*; how numerous directorates were filled by the same persons — one having a seat at twenty-three boards; how subscription contracts were made up with signatures bought at 10*s.* and 4*s.* each, and porters and errand-boys made themselves liable for 30,000*l.* and 40,000*l.* apiece. They can narrate how boards kept their books in cypher; made false registries, and refrained from recording their proceedings in minute books; how in one com-

pany, half a million of capital was down to unreal names; how in another, directors bought for account more shares than they issued, and so forced up the price; and how in many others, they repurchased for the company their own shares, paying themselves with the depositors' money. But, though more or less aware of the iniquities that have been practised, the generality think of them solely as the accompaniments of bubble schemes. More recent enterprises they know to have been *bonâ fide* ones, mostly carried out by old-established companies; and knowing this, they do not suspect that in the getting up of branch lines and extensions, there are chicaneries near akin to those of Capel Court, and quite as disastrous in their ultimate results. Associating the ideas of wealth and respectability, and habitually using respectability as synonymous with morality, it seems to them incredible, that many of the large capitalists and men of station who administer railway affairs should be guilty of indirectly enriching themselves at the expense of their constituents. True, they occasionally meet with a law report, disclosing some enormous fraud, or read a 'Times' leader, characterising directorial acts in terms that are held libellous; but they regard the cases thus brought to light as entirely exceptional: and, under that feeling of loyalty which ever idealises men in authority, they constantly tend towards the conviction, if not that directors can do no wrong, yet that they are very unlikely to do wrong.

A history of railway management and railway intrigue, however, would quickly undeceive them. In such a history, the doings of projectors and the mysteries of the share-market would occupy less space than the analysis of the multiform dishonesties that have been committed since 1845, and the genesis of that elaborate system of tactics by which companies are betrayed into ruinous undertakings that benefit the few at the cost of the many. Such a history would not only have to detail the doings of the personage famed for 'making things pleasant;' nor would it have merely to add the misdeeds of his colleagues; but it would have to describe the kindred corruptness of other railway administrations. From the published report of an investigation committee it would be shown how, not many years since, the directors of one of our lines allotted among themselves 15,000 new shares then at a premium in the market, — how to pay the deposits on these shares they used the company's funds, — how one of their number thus accommodated himself in meeting both deposits and calls to the extent of more than 80,000*l*. We should also read in it of directors who made loans to themselves out of the company's floating balances at a

low rate of interest when the market rate was high; and who paid themselves larger salaries than those assigned; entering the difference in an obscure corner of the ledger under the head of 'petty disbursements.' There would be documents showing that the proxies enabling boards to carry contested measures have in some cases been obtained by garbled statements; and, again, that proxies given for a specific purpose have been used for other purposes. One of our companies would be proved to have projected a line, serving as a feeder, for which it obtained shareholders by offering a guaranteed dividend, which, though understood by the public to be unconditional, was really contingent upon a condition not likely to be fulfilled. The managers of another company would be convicted of having carried party measures by the aid of preference shares standing in the names of station masters; and of being aided by the proxies of the secretary's children too young to write.

That the corruptions here glanced at are not mere exceptional evils, but result from some deep-seated vice ramifying throughout our system of railway government, is sufficiently proved by the simple fact that notwithstanding the depreciation of railway dividends produced by the extension policy, that policy has been year after year continued. Does any tradesman, who, having enlarged his shop, finds a proportionate diminution in his rate of profit, go on, even under the stimulus of competition, making further enlargements at the cost of further diminutions? Does any merchant, however strong his desire to take away an opponent's markets, make successive mortgages on his capital, and pay for each sum thus raised a higher interest than he gains by trading with it? Yet this course, so absurd that no one would insult a private individual by asking him to follow it, is the course which railway boards at meeting after meeting persuade their clients to pursue. Since 1845, when the dividends of our leading lines ranged from 8 to 10 per cent., they have, notwithstanding an ever growing traffic, fallen from 10 per cent. to 5, from 8 to 4, from 9 to $3\frac{1}{4}$; and yet the system of extensions, leases and guarantees, notoriously the cause of this, has been year by year persevered in. Is there not something needing explanation here — something more than the world is allowed to see? If there be any one to whom the broad fact of obstinate persistence in unprofitable expenditure does not alone carry the conviction that sinister influences are at work, let him read the seductive statements by which shareholders are led to authorise new projects, and then compare these with the proved results. Let him look at the estimated cost, anticipated traffic, and calculated dividend on some pro-

posed branch line; let him observe how the proprietary, before whom the scheme is laid, are induced to approve it as promising a fair return; and then let him contemplate, in the resulting depreciation of stock, the extent of their loss. Is there any avoiding the inference? Clearly, railway shareholders can never have habitually voted for new undertakings which they knew would be injurious to them. Every one knows, however, that these new undertakings have almost uniformly proved injurious to them. Obviously, therefore, railway shareholders have been continually deluded by false representations. The only possible escape from this conclusion is in the belief that boards and their officers have been themselves deceived; and were the discrepancies between promises and results occasional only, there would be grounds for this lenient interpretation. But to suppose that a railway government should repeatedly make such mistakes, and yet gain no wisdom from disastrous experiences—should after a dozen disappointments again mislead half-yearly meetings by bright anticipations into dark realities, and all in good faith—taxes credulity somewhat too far. Even then were there no demonstrated iniquities to rouse suspicion, we think that the continuous depreciation in the value of railway stock, the determined perseverance of boards in the policy that has produced this depreciation, and the proved untruth of the statements by which they have induced shareholders to sanction this policy, would of themselves suffice to show the essential viciousness of railway administration.

That the existing evils, and the causes conspiring to produce them, may be the better understood, it will be needful briefly to glance at the mode in which the system of extensions grew up. Earliest among the incentives to it was a feeling of rivalry. Even whilst yet their main lines were unmade, a contest for supremacy arose between our two greatest companies. This presently generated a confirmed antagonism; and the same impulse which in election contests and the like has frequently led to the squandering of a fortune to gain a victory, has largely aided to make each of these great rivals submit to repeated sacrifices rather than be beaten. Feuds of like nature are in other cases perpetually prompting boards to make aggressions on each others' territory—every attack on the one side leading to a reprisal on the other; and so violent is the hostility occasionally produced, that directors might be pointed out whose votes are wholly determined by the desire to be revenged on their opponents. Among the first methods by which leading companies sought to strengthen themselves and weaken their competitors, was the leasing or purchase of subordinate neigh-

bouring lines. Of course those to whom overtures were made, obtained bids from both sides; and it naturally resulted that the first sales thus effected, being at prices far above the real values, brought great profits to the sellers. What resulted? After a few recurrences of this proceeding, it was clearly perceived by quick-witted speculators that the making of lines so circumstanced as to be bid for by competing companies, would be a lucrative policy. Shareholders who had once pocketed these large and easily-made gains, were eager to repeat the process; and cast about for districts in which it might be done. Even the directors of the companies by whom these high prices were given, were under the temptation to aid in this; for it was manifest to them that by obtaining a larger interest in any such new undertaking than they possessed in the purchasing company, and by using their influence in the purchasing company to obtain a good price or guarantee for the new undertaking, a great advantage would be gained; and that this motive has been largely operative, railway history abundantly proves. Once commenced, sundry other influences conspired to stimulate this making of feeders and extensions. The non-closure of capital accounts rendered possible the 'cooking' of dividends, which was at one period carried to a great extent. Under various incentives, speculative and other, expenditure that should have been charged against revenue was charged against capital; works and rolling stock were allowed to go unrepaired, or insufficient additions made to them, by which means the current expenses were rendered delusively small; long-credit agreements with contractors permitted sundry disbursements that had been virtually made to be kept out of the accounts; and thus the net returns were made to appear much greater than they really were. Naturally the new undertakings put before the monied world by companies whose stock and dividends had been thus artificially raised, were received with proportionate favour. Under the prestige of their parentage their shares came out at high premiums, bringing large profits to the projectors. The hint was soon taken; and it presently became an established policy, under the auspices of a prosperity either real or mock, to get up these subsidiary lines — 'calves' as they were called in the slang of the initiated — and to traffic in the premiums their shares commanded. Meanwhile had been developing a secondary set of influences which also contributed to foster unwise enterprises; namely, the business interests of the lawyers, engineers, contractors, and others directly or indirectly employed in railway construction. The methods of projecting and carrying new schemes could not fail, in the course of years,

to become familiar to all persons concerned; and there could not fail to grow up amongst them a concerted system of tactics calculated to achieve their common end. Thus partly from the jealousy of rival boards, partly from the avarice of shareholders in purchased lines, partly from the dishonest schemings of directors, partly from the manœuvres of those whose business it is to carry out the projects legally authorised, partly, and perhaps mainly, from the delusive appearance of prosperity maintained by many established companies, there came the wild speculations of 1844 and 1845. The consequent disasters, whilst they pretty well destroyed the last of these incentives, left the rest much as they were. Though the painfully-undeceived public have ceased to aid as they once did, the various private interests that had grown up have since been working together as before; have developed their systems of co-operation into still more complex and subtle forms; and are even now daily thrusting unfortunate shareholders into losing undertakings.

Before proceeding to analyse the existing state of things, however, we would have it clearly understood that we do not suppose those implicated to be *on the average* morally lower than the community at large. Men taken at random from any class would, in all probability, behave much in the same way when placed in like positions. There are unquestionably directors grossly dishonest: unquestionably also there are others whose standard of honour is far higher than that of most persons: and for the remainder, they are, we doubt not, as good as the mass. Of the engineers, parliamentary agents, lawyers, contractors and various others concerned, it may be admitted that though daily custom has induced laxity of principle, yet they would be harshly judged were the transactions that may be recorded against them used as measures. Those who do not see how, in these involved affairs, the most inequitable results may be wrought out by men not correspondingly flagitious, will readily do so on considering all the conditions. In the first place there is the familiar fact that the corporate conscience is ever inferior to the individual conscience — that a body of men will commit as a joint act, that which every individual of them would shrink from did he feel personally responsible. And it may be remarked that not only is the conduct *of* a corporate body thus comparatively lax, but also the conduct *towards* one. There is ever a more or less distinct perception that a broad-backed company scarcely feels what would be ruinous to a private person; and this perception is in constant operation on all railway administrators and their *employés* — on all con-

tractors, landowners, and others concerned; leading them to show a graspingness and want of principle foreign to their general behaviour. Again, the indirectness and remoteness of the evils produced greatly weaken the restraints on wrong doing. Men's actions are proximately produced by mental representations of the results to be anticipated; and the decisions come to largely depend on the vividness with which these results can be imagined. A consequence, good or bad, that is immediate, and clearly apprehended, influences conduct far more potently than a consequence that has to be traced through a long chain of causation, and as eventually reached, is not a particular and readily conceivable one, but a general and vaguely conceivable one. Hence in railway affairs a questionable share transaction, an exorbitant charge, a proceeding which brings great individual advantage without apparently injuring any one, but which, even if analysed in its ultimate results, can but very circuitously affect unknown persons living no one knows where, may be brought home to men who, could the results be embodied before them, would be shocked at the cruel injustices they had committed — men who in their private business where the results *can* be thus embodied, are sufficiently equitable. Further, it requires to be noted that most of these great delinquencies are wrought out, not by the extreme dishonesty of any one man or group of men, but by the combined self-interest of many men and groups of men, whose minor delinquencies are cumulative. Much as a story which, passing from mouth to mouth, and receiving a slight exaggeration at each repetition, comes round to the original narrator in a form scarcely to be recognised; so, by a little improper influence on the part of landowners, a little favouritism on the part of members of Parliament, a little intriguing of lawyers, a little manœuvring by contractors and engineers, a little self-seeking on the part of directors, a little under-statement of estimates and over-statement of traffic, a little magnifying of the evils to be avoided and the benefits to be gained — it happens that shareholders are betrayed into ruinous undertakings by grossly untrue representations, without any one being guilty of more than a small portion of the fraud. Bearing in mind, then, the comparative laxity of the corporate conscience; the diffusion and remoteness of the evils which malpractices produce; and the composite origin of these malpractices; it becomes possible to understand how, in railway affairs, gigantic dishonesties can be perpetrated by men, who, on the average, are little if at all below the generality in moral character.

With this preliminary mitigation we proceed to detail the

various illegitimate agencies by which these seemingly insane extensions and this continual squandering of shareholders' property are brought about.

Conspicuous amongst these is the self-interest of landowners. Once the greatest obstacles to railway enterprise, owners of estates have of late years been amongst its chief promoters. Since the Liverpool and Manchester line was first defeated by landed opposition, and succeeded with its second bill only by keeping out of sight of all mansions, and avoiding the game preserves — since the time when the London and Birmingham Company, after seeing their project thrown out by a committee of peers who ignored the evidence, had to 'conciliate' their antagonists by raising the estimate for land from 250,000*l.* to 750,000*l.* — since the time when Parliamentary counsel bolstered up a groundless resistance by the flimsiest and absurdest excuses, even to reproaching engineers with having 'trodden down the 'corn of widows' and 'destroyed the strawberry beds of 'gardeners' — since then, a marked change of policy has taken place. Nor was it in human nature that it should be otherwise. When it became known that railway companies commonly paid for 'land and compensation,' sums varying from 4000*l.* to 8000*l.* per mile; that men were indemnified for supposed injury to their property by sums so inordinate that the greater part has been known to be returned by the heir as conscience money; that in one case, 120,000*l.* was given for land said to be worth but 5000*l.* — when it was bruited abroad that large bonuses in the shape of preference shares and the like were granted to buy off opposition — when it came to be an established fact that estates are greatly enhanced in value by the proximity of railways — it is not surprising that country gentlemen should have become active supporters of schemes to which they were once the bitterest enemies. On considering the many temptations, we shall see nothing wonderful in the fact, that in 1845 they were zealous provisional committeemen; nor in the fact, that their influence as promoters enabled them to get good terms for their own acres; nor in the fact that they committed various acts sufficiently reprehensible from any but their own point of view. If we are told of squires soliciting interviews with the engineer of a projected railway; prompting him to take their side of the country; promising support if he did, and threatening opposition if he did not; dictating the course to be followed through their domains; and hinting that a fair price would be expected; we are simply told of the special modes in which certain private interests show themselves. If we hear of an extensive landowner using his influence as chairman of a

board of directors to project a branch running for many miles through his own estate, and putting his company to the cost of a parliamentary contest to carry this line; we hear only of that which was likely to occur under such circumstances. If we find now before the public, a line, proposed by a large capitalist, serving amongst other ends to effect desirable communications with his property; and the estimates for which line, though considered by the engineering world insufficient, are alleged by him to be ample; we have but a marked case of the distorted representations which under such conditions self-interest is sure to engender. If we discover of this or that scheme that it was got up by the local nobility and gentry—that they employed to make the survey, a third-rate engineer, who was ready, in anticipation of future benefit, to do this for his bare expenses — that principals and agent wearied the directors of an adjacent trunk line to take up their project; threatened that if they did not their great rival would; alarmed them into concession; asked for a contribution to their expenses; and would have gained all these points but for shareholders' resistance—we do but discover the organised tactics which in process of time naturally grow up under such stimuli. It is not that these facts are particularly remarkable. From the gross instance of the landowner who asked 8000*l.* for that which he eventually accepted 80*l.* for, down to the every day instances of influence used to get railway accommodation for the neighbourhood, the acts of the landed class are simply manifestations of the average character acting under special conditions. All that it now behoves us to notice is, that we have here a large and powerful body whose interests are ever pressing on railway extension irrespective of its intrinsic propriety.

The great change in the attitude of the Legislature towards railways from 'the extreme of determined rejection or dilatory 'acquiescence to the opposite extreme of unlimited concession,' was simultaneous with the change above described. It could not well fail to be so. Supplying as the landowning community does so large a portion of both Houses of Parliament, it necessarily follows that the play of private interests seen in the first, repeats itself in the last under modified forms, and complicated by other influences. Remembering the extent to which legislators were themselves involved in the speculations of the mania, it is scarcely probable that they should since have been free from personal bias. A return proved, that in 1845 there were 157 members of Parliament, whose names were on the registers of new companies for sums varying from 291,000*l.* downwards. The supporters of new projects boasted of the

number of votes they could command in the House. Members were personally canvassed, and peers were solicited. It was publicly complained in the upper chamber that 'it was nearly 'impossible to bring together a jury, some members of which 'were not interested in the railway they were about to assess.' Doubtless this state of things was in a great degree exceptional; and there has since been not only a diminution of the temptations, but a marked increase of equitable feeling. Still it is not to be expected that private interests should cease to act. It is not to be expected that a landowner who, out of Parliament, exerts himself to get a railway for his district, should, when in Parliament, not employ the power his new position gives him to the same end. It is not to be expected that the accumulation of such individual actions should leave the legislative policy unchanged. Hence the fact, that the influence once used to throw out railway bills is now used to carry them. Hence the fact, that railway committees no longer require a good traffic case to be made out in justification of the powers asked. Hence the fact, that the directors and chairmen of boards, with seats in the House of Commons, are induced to pledge their companies to carry out extensions. But it is not only, nor indeed mainly, from directly personal motives that legislators have of late years unduly fostered railway enterprises. Indirect motives of various kinds have been largely operative. The wish to satisfy constituents has been one. Inhabitants of unaccommodated districts are naturally urgent with their representatives to help them to a line. Such representatives are not unfrequently conscious that their next elections may possibly turn upon their successful response to this appeal. Even when there is no popular pressure there is the pressure of their leading political supporters; of large landholders whom it will not do to neglect; of the magistracy with whom it is needful to be on good terms; of local lawyers, important as electioneering friends, to whom a railway always brings business. Thus, without having any immediately private ends, members of Parliament are often almost coerced into pressing forward schemes which from a national, or from a shareholder's point of view, are very unwise ones. Moreover, it requires in fairness to be said, that possessed as most members of Parliament are with the belief that all railway making is nationally beneficial, there exist in their minds few or no reasons for resisting the influences brought to bear on them. True, shareholders may be injured; but that is their own affair: — the public will be better served; constituents will be satisfied; friends will be pleased; perhaps personal ends gained: and under some or all of these incentives affirmative votes are

readily given. Thus from the Legislature also there has of late years proceeded a factitious stimulus to railway extensions.

From Parliament to Parliamentary agents, and the general body of lawyers concerned in railway enterprise, is a ready transition. With these, the getting up and carrying of new lines and branches is a matter of business. Whoever studies the process of obtaining a railway act; or considers the number of legal transactions involved in the execution of railway works; or notes the large sums that figure in half-yearly reports under the head of 'law charges;' will at once see how strong are the temptations which a new project holds out to solicitors, conveyancers, and counsel. It has been shown that in past years Parliamentary expenses have varied from 650*l.* to 3000*l.* per mile; of which a large proportion has gone into the pockets of the profession. In one contest 57,000*l.* was spent amongst six counsel and twenty solicitors. At a late meeting of one of our companies it was pointed out that the sum expended in legal and parliamentary expenses during nine years had reached 480,000*l.*; or had averaged 53,500*l.* a year. With these and scores of like facts before them, it would indeed be strange did not so acute a body of men as lawyers use vigorous efforts and sagacious devices to promote fresh enterprises. Indeed, if we look back at the proceedings of 1845 we shall suspect, not only that lawyers are still the active promoters of fresh enterprises, but often the originators of them. Most persons have heard how in those excited times the projects daily announced were very frequently set afloat by local solicitors — how these looked over maps to see where plausible lines could be sketched out — how they canvassed the local gentry to obtain provisional committeemen — how they agreed with engineers to make trial surveys — how, under the wild hopes of the day, they found little difficulty in forming companies — and how most of them managed to get as far as the Committee on Standing Orders, if no farther. Remembering all this, and remembering that those who were successful are not likely to have forgotten their cunning, but rather to have yearly exercised and increased it, we may naturally expect to find railway lawyers amongst the most influential of the many parties conspiring to urge railway proprietaries into disastrous undertakings: and we shall not be deceived. To a great extent they are in league with engineers. From the proposal to the completion of a new line the lawyer and the engineer work together; and their interests are throughout identical. Whilst the one makes the survey, the other prepares the book of reference. The parish plans which the one gets ready, the other deposits. The notices to owners

and occupiers which the one fills in, the other serves upon those concerned. Throughout, there is continual consultation between them as to the dealing with local opposition and the obtainment of local support. In the getting up of their case for Parliament they necessarily act in concert. Whilst before committee the one gets his ten guineas per day for attending to give evidence, the other makes profits on all the complicated transactions which the carrying a bill involves. During the execution of the works they are in frequent correspondence; and alike profit by any expansion of the undertaking. Thus there naturally arises in each the perception that in aiding the other he is aiding himself; and gradually, as in course of years, the proceedings come to be often repeated, and a perfect familiarity with railway politics gained, there naturally grows up a well-organised system of co-operation between them — a system rendered the more efficient by the wealth and influence which each has year by year accumulated.

Amongst the manœuvres employed by railway solicitors thus established and thus helped, not the least remarkable is that of getting their own nominees elected as directors. Startling though it may seem, it is yet a fact, which we state on good authority, that there are puppet-directors who vote for this or that at the instigation of the company's lawyer, whose creatures they are. The obtainment of such tools is by no means difficult. Vacancies are about to occur in the directorate. Almost always there are sundry men over whom a solicitor, conducting the extensive law business of a railway, has considerable power; not only connexions and friends, but clients and persons to whom, in his legal capacity, he can do great benefit or great injury. He selects the most suitable of these; giving the preference, if other things are equal, to one living in the country near the line. On opening the matter to him, he points out the sundry advantages attendant on a director's position — the free pass and the many facilities it gives; the annual 100*l.* or so which the office brings; the honour and influence accruing; the opportunities for profitable investment that are likely to occur; and so forth. Should ignorance of railway affairs be raised as an objection, the tempter, in whose eyes this ignorance is a chief recommendation, replies that he shall always be at hand to guide his votes. Should non-possession of a due amount of the company's stock be pleaded, the tempter readily meets the difficulty by offering himself to furnish the needful qualification. Thus incited and flattered, and, perhaps, conscious that it would be dangerous to refuse, the intended puppet allows himself to be put in nomination; and

as it is the general habit of half-yearly meetings, unless under great indignation, to elect any one proposed to them by those in authority, the nomination is successful. On subsequent occasions this proceeding can, of course, be repeated; and thus the company's legal agent and those leagued with him may command sufficient votes to turn the scale in their own favour.

Then to the personal interest and power of the head solicitor have to be added those of the local ones, with whom he is in constant business intercourse. They, too, profit by new undertakings; they, therefore, are commonly urgent in pressing them forwards. Acting in co-operation with their chief, they form a local staff of great influence. They are active canvassers; they stimulate and concentrate the feeling of their districts; they encourage rivalry with other lines; they alarm local shareholders with rumours of threatened competition. When the question of extension or non-extension comes to a division, they collect proxies for the extension party. They bring pressure to bear on their shareholding clients and relatives. Nay, so deep an interest do they feel in the decision as occasionally to manufacture votes with the view of influencing it. We have before us the case of a local solicitor, who, before the special meeting called to adopt or reject a contemplated branch, transferred portions of his own shares into the names of sundry members of his family, and so multiplied his seventeen votes into forty-one; all of which he recorded for the adoption of the new scheme.

Greatly as engineers are interested in railway enterprise, it is to be expected that they should be active, and not very scrupulous promoters of it. To illustrate the vigour and skill with which they further new undertakings, a few facts may be cited. Not far from London, and lying between two lines of railway, is an estate that has been purchased by one of our engineers. He has since obtained Acts for branches to both of the adjacent lines. One of these branches he has leased to the company whose line it joins; and he has tried to do the like with the other, but as yet without success. Even as it is, however, he is considered to have doubled the value of his property. To press forward extensions by the companies with which they are connected, they occasionally go to great lengths. Not long since, at a half-yearly meeting, certain projects which the proprietary had already once rejected, were again brought forward by two engineers who attended in their capacity of shareholders. Though known to be personally interested, one of them moved and the other seconded, that certain proposals from the promoters of these schemes be considered without delay by the directors.

The motion was carried; the directors approved the proposals; and again, the proprietors negatived them. A third time a like effort was made; a third time a conflict arose; and within a few days of the special meeting at which the division was to take place, one of these engineers circulated amongst the shareholders a pamphlet denying the allegations of the dissentient party and making counter-statements, which it was then too late to meet—nay, he did more; he employed agents to canvass the shareholders for proxies in support of the new undertaking, and was obliged to confess as much when charged with it at the meeting.

Turn we now to contractors. Railway enterprise has given to this class of men a gigantic development, not only in respect of numbers but in respect of the vast wealth to which some of them have attained. Originally, half a dozen miles of earthwork, fencing, and bridges, was as much as any single contractor undertook. Of late years, however, it has become common for one man to engage to construct an entire railway, and deliver it over to the company in a fit condition for opening. Great capital is necessarily required for this; great profits are made by it; and the fortunes accumulated, in course of time, have been such, that sundry contractors are described as being each able to make a railway at his own expense. But they are as insatiate as millionaires in general; and so long as they continue in business at all, are, in some sort, forced to provide new undertakings to keep their plant employed. As may be imagined, enormous stocks of working materials are needed; many hundreds of earth-waggons, and of horses; many miles of temporary rails and sleepers; some half dozen locomotive engines, and several fixed ones; innumerable tools; besides vast stores of timber, bricks, stone, rails, and other constituents of permanent works, that have been bought on speculation. To keep the capital thus invested, and also a large staff of *employés*, standing idle, entails loss, partly negative partly positive. The great contractor, therefore, is alike under a pressing stimulus to get fresh work, and enabled by his wealth to do this. Hence the not unfrequent inversion of the old arrangement under which companies and engineers employed contractors, into an arrangement under which contractors employ engineers and form companies. Many recent undertakings have been thus set on foot. The most gigantic project which private enterprise has yet dared—a project, of which, unfortunately, there is now no hope—originated with a distinguished contracting firm. In some cases, as in this chief one, this mode of procedure may be considered as advantageous; but in a far greater proportion of

cases its results are disastrous. Interested in promoting railway extensions even in a greater degree than engineers and lawyers, contractors frequently co-operate with these either as agents or as coadjutors. Lines are fostered into being, which it is known from the very beginning, will not pay. Of late it has become common for landowners, merchants, and others personally interested, who, under the belief that their indirect gains will compensate for their meagre dividends, have themselves raised part of the capital for a local railway, but who cannot raise the rest—it has become common for such to make an agreement with a wealthy contractor to construct the line, taking in part payment a portion of the shares, amounting to, perhaps, a third of the whole, and to charge for his work according to a schedule of prices to be thereafter settled between himself and the engineer. By this last clause the contractor renders himself secure. It would never answer his purpose to take part payment in shares likely to return some 2*l.* per cent., unless he compensated himself by unusually high profits; and this subsequent settlement of prices with one whose interests, like his own, are wrapped up in the prosecution of the undertaking, insures him high profits. Meanwhile, the facts that all the capital has been subscribed and the line contracted for, unduly raise the public estimate of the scheme; the shares are quoted at much above their true worth; unwary persons buy; the contractor from time to time parts with his moiety at fair prices; and the new shareholders ultimately find themselves part owners of a railway which, unprofitable as it originally promised to be, has been made yet more unprofitable by expensiveness of construction. Nor are these the only cases in which contractors gain after this fashion. They do the like with undertakings of their own projecting. To obtain acts for these, they sign the subscription contracts for large amounts; knowing, that in the way above described, they can always make it answer to do this. So general had the practice latterly become as to attract the attention of committees. As was remarked by a personage noted for his complicity in these transactions: 'Committees are getting too 'knowing; they won't stand that dodge now.' Nevertheless, the thing is still done under a disguised form. Though contractors no longer enter their own names on subscription lists for thousands of shares, yet they effect the same end by making nominal holders of their foremen and others; themselves being the real ones.

Of directorial misdoings some samples have already been referred to; and more might be added. Besides those arising from directly personal aims are sundry others. One of these is,

the still increasing community between railway boards and the House of Commons. There are eighty-one directors sitting in Parliament; and though many of these take little or no part in the affairs of their respective railways, many of them are the most active members of the boards to which they belong. We have but to look back a few years and mark the unanimity with which companies adopted the policy of getting themselves represented in the Legislature, to see that the furtherance of their respective interests — especially in cases of competition — was the incentive. How well this policy is understood amongst the initiated may be judged from the fact that gentlemen are now in some cases elected on boards simply because they are members of Parliament. Of course this implies that railway legislation is affected by a complicated play of private influences; and that these influences generally work towards the facilitation of new enterprises is tolerably obvious. It naturally happens that directors whose companies are not opposed, exchange good offices. It naturally happens that they can more or less smooth the way of their annual batch of new bills through committees. Moreover, directors sitting in the House of Commons not only facilitate the passing of the schemes in which they are interested, but are solicited to undertake further schemes by those around them. It is a very common sense conclusion that representatives of small towns and country districts needing railway accommodation, who are daily thrown in contact with the chairman of a company capable of giving this accommodation, will not neglect the opportunity of furthering their ends. It is a very common sense conclusion that by hospitalities, by favours, by flattery, by the many means used to bias men, they will seek to obtain his good offices. And it is an equally common sense conclusion that in many cases they will succeed — that by some complication of persuasions and temptations they will swerve him from his calmer judgment; and so introduce into the company he represents, influences at variance with its welfare.

Under some motives, however — whether those of direct self-interest, of private favour, or of antagonistic feeling, need not here be discussed — it is certain that directors are constantly committing their constituents to unwise enterprises; and that they frequently employ unjustifiable means for either eluding or overcoming their opposition. Shareholders occasionally find that their directors have given to Parliament, pledges of extension much exceeding what they were authorised to give; and are then persuaded that they are bound to endorse the promises made for them by their agents. In some cases, among the misleading statements laid before shareholders to obtain their

consent to a new project, will be found an abstract of the earnings of a previously executed branch or feeder to which the proposed one bears some analogy. These earnings are shown (not always without 'cooking') to be tolerably good and improving; and it is argued that the new project having like prospects offers a fair investment. Meanwhile, it is not stated that the capital for this previously executed branch or feeder was raised on debentures or by guaranteed shares, at a higher rate of interest than the dividend pays; it is not stated that as the capital for this further undertaking will be raised on like terms the annual interest on debt will swallow up more than the annual revenue: and thus unsuspecting shareholders — some unacquainted with the company's antecedents, some unable to understand its complicated accounts — give their proxies or raise their hands for new works which will tell with disastrous effect on their future dividends.

To complete the sketch, it requires to say something on the management of board meetings and meetings of the shareholders. For the first — their decisions are affected by various manœuvres. Of course, on the fit occasions there is a whipping up of those favourable to any project which it is desired to carry. Were this all, there would be little to complain of; but something more than this is done. There are boards in which it is the practice to defeat opposition by stratagem. The extension party having summoned their forces for the occasion, and having entered on the minutes of business a notice worded with the requisite vagueness, shape their proceedings according to the character of the meeting. Should their antagonists muster more strongly than was expected, this vaguely-worded notice serves simply to introduce some general statement or further information concerning the project named in it; and the matter is passed over as though nothing more had been meant. On the contrary, should the proportion of the two sides be more favourable, the notice becomes the basis of a definite motion committing the board to some important procedure. If due precautions have been taken the motion is passed; and once passed, those who, if present, would have resisted it have no remedy; for in railway government there is no 'second reading,' much less a third. So determined and so unscrupulous are the efforts sometimes made by the stronger party to overcome and silence their antagonists, that when a contested measure, carried by them at the board, has to go before a general meeting for confirmation, they have even been known to pass a resolution that their dissentient colleagues shall not address the proprietary!

How, at half-yearly and special meetings, shareholders should be so readily led by boards, even after repeated experience of

their untrustworthiness, seems at first sight difficult to understand. The mystery disappears, however, on inquiry. Very frequently contested measures are carried quite against the sense of the meetings before which they are laid, by means of the large number of proxies previously collected by the directors. These proxies are obtained mostly from proprietors scattered everywhere throughout the kingdom, who are very generally weak enough to sign the first document sent to them. Then of those present when the question is brought to an issue, not many dare attempt a speech; of those who dare, but few are clear-headed enough to see the full bearings of the measure they are about to vote upon; and such as can see it are often prevented by nervousness from doing justice to the views they hold. Moreover, it must be borne in mind that the party displaying antagonism to the board are apt to be regarded by their brother proprietors with more or less reprobation. Unless the misconduct of the governing body has been very glaring or very recent, there ever arises in the mass a prejudice against all playing the part of an opposition. They are condemned as noisy, and factious, and obstructive; and often only by very determined courage avoid being put down. Besides these negative reasons for the general inefficiency of shareholders' resistance, there are sundry positive ones. As writes a Member of Parliament who has been an extensive holder of stock in many Companies from the first days of railway enterprise: — 'My large and long acquaintance 'with Railway Companies' affairs enables me to say that a large 'majority of shareholders trust wholly to their directors, having 'little or no information, nor caring to have any opinion of their 'own: . . . . some others, better informed but timid, are afraid, 'by opposing the directors, of causing a depreciation of the value 'of their stock in the market, and are more alarmed at the 'prospect of this temporary depreciation than at the permanent 'loss entailed on the company by the useless and therefore un-'profitable outlay of additional capital: . . . . others again, 'believing that the impending permanent evil is inevitable, 'resolve on the spot to sell out immediately, and to keep up the 'prices of their shares, also give their support to the directors.' Thus, from the lack of organisation and efficiency amongst those who express their opposition, and from the timidity and double-facedness of those who do not, it happens that extremely unwise projects are carried by large majorities. Nor is this all. The tactics of the aggressive party are commonly as skilful as those of their antagonists are bungling. In the first place the chairman, who is very generally the chief promoter of the contested scheme, has it in his power to favour those who take 's own side, and to throw difficulties in the way of opponents;

and this he not unfrequently does to a great extent — refusing to hear, putting down on some plea of breach of order, browbeating, even using threats. * It generally turns out too, that whether intentionally or not, some of the most important motions are postponed until nearly the close of the meeting, when the greater proportion of the shareholders are gone: large money-votes, extensive powers, unlimited permits to directors to take, in certain matters, 'such steps as in their 'judgment they may deem most expedient,'— these and the like are left to be hurried over during the last half-hour, when the tired and impatient remnant will no longer listen to objectors; and when those who have personal ends to serve by outstaying the rest carry everything their own way. Indeed, in some instances, the arrangements are such as almost to insure the meeting becoming a pro-extension one towards the end. The result is brought about thus: — A certain portion of the general body of proprietors are also proprietors of some subordinate work — some branch line, or steam-boats, or canal, which the Company has purchased or leased; and as holders of guaranteed stock, probably having capital to take up further such stock if they can get it, they are naturally favourable to projects that are to be executed on the preference-share system. These hold their meeting for the declaration of dividend, &c., as soon as the meeting of the Company at large has been dissolved, and in the same room. Hence it happens that being kept together by the prospect of subsequent business they gradually, towards the close of the general meeting, come to form the majority of those present; and the ordinary shareholders who have been patient enough to stay, are outvoted by those having interests quite distinct from their own—quite at variance with the welfare of the Company.

And here this allusion to the preference-share system introduces us to a fact which may fitly close this detail of private interests and questionable practices — a fact serving at once to illustrate the subtlety and concert of railway officialism, and the power it can exert. That this fact may be fully appreciated it must be premised that though preference-shares do not usually

* We may remark in passing that the practice of making the chairman of the board also chairman of the half-yearly meetings, is a very injudicious one. The directors are the servants of the proprietary, and meet them from time to time to render an account of their stewardship. That the chief of these servants whose proceedings are about to be examined, should himself act as chief of the jury is absurd. Obviously the business of each meeting should be conducted by some one independently chosen for the purpose, as the Speaker is chosen by the House of Commons.

carry votes they are sometimes specially endowed with them; and further, that they occasionally remain unpaid up until the expiration of a time after which no further calls can be legally made. In the case in question a large number of 50*l.* preference-shares had thus long stood with but 5*l.* paid. Those desirous of promoting extensions, &c., had here a fine opportunity of getting great power in the Company at small cost; and as we shall see they duly availed themselves of it. Already had their party twice tried to thrust the proprietary into a new undertaking of great magnitude. Twice had they entailed on them an expensive and harassing contest. A third time, notwithstanding a professed relinquishment of it, they brought forward substantially the same scheme, and were defeated only by a small majority. The following extracts from the division lists we take from the statement of one of the scrutineers.

| | 50*l.* Preference Shares, with 5*l.* paid up. | Additional Stock or Shares. | Recorded Stock at the Poll as held. | Total actual Capital paid up. | Number of Votes scored for the Extension. |
|---|---|---|---|---|---|
| | | | £ | £ | |
| The Company's solicitor | 500 | 7,500*l.* stock, and 100 50*l.* shares, with 42*l.* 10*s.* paid up. | 75,650 | 18,140 | 188 |
| Ditto in joint account with another. | 778 | None. | | | |
| The solicitor's partner - | 60 | None. | 3,000 | 300 | 20 |
| The Company's engineer | 150 | None. | 7,500 | 750 | 33 |
| The engineer's partner - | 1,354 | 4,266*l.* stock. | 71,966 | 11,036 | 161 |
| One of the Company's parliamentary counsel. | 200 | 1,000*l.* stock. | 11,000 | 2,000 | 40 |
| Another ditto, ditto - | 125 | 200*l.* stock. | 6,450 | 825 | 30 |
| Local solicitor for the proposed extension. | 7 | None. | 350 | 35 | 7 |
| The Company's contractor for permanent way. | 347 | 52,833*l.* | 70,183 | 54,568 | 158 |
| The Company's conveyancer. | 1,003 | 333*l.* stock. | 50,483 | 5,348 | 118 |
| The Company's furniture printer. | 35 | 10,000*l.* stock. | 11,750 | 10,175 | 41 |
| The Company's surveyor | 360 | 1250*l.* stock. | 19,250 | 3,050 | 56 |
| The Company's architect | 217 | 14,916*l.* stock; 119 50*l.* shares, with 42*l* 10*s.* paid up; and 13 40*l.* shares, with 34*l.* paid up. | 32,230 | 20,416 | 82 |
| One of the Company's carriers. | 17 | 833*l.* stock. | 1,683 | 918 | 14 |
| The Company's bankers: | | | | | |
| One partner - - | - - | - - | 33,666 | 32,366 | 90 |
| Another partner - | - - | - - | 2,500 | 2,500 | 18 |
| Ditto in joint account with another. | - - | - - | 1,000 | 850 | 12 |

To this list some seven or eight of the Company's tradesmen, similarly armed, might be added; raising the amount of the almost factitious shares held by functionaries to about 5200, and increasing the number of votes commanded by them from its present total of 1068 to upwards of 1100. If now we separate the 380,000*l.* which these gentlemen bring to bear against their brother shareholders, into real and nominal, we find that whilst not quite 120,000*l.* of it is *bonâ fide* property invested, the remaining 260,000*l.* is nine parts shadow and one part substance. And thus it results that by virtue of certain stock actually representing but 26,000*l.*, these lawyers, engineers, counsel, conveyancers, contractors, bankers, and others interested in the promotion of new schemes, outweigh more than a quarter of a million of the real capital held by shareholders whom these schemes will injure!

Need we any longer wonder, then, at the persistence of Railway Companies in seemingly reckless competition and ruinous extensions? Is not this obstinate continuance of a policy that has year after year proved disastrous, sufficiently explicable on contemplating the many illegitimate influences at work? Is it not manifest that the small organised party always out-manœuvres the large unorganised one? Consider their respective characters and circumstances. Here are the shareholders diffused throughout the whole kingdom in towns and country houses, knowing nothing of each other, and too remote to co-operate were they acquainted. Very few of them see a railway journal; not many a daily one; and scarcely any know much of railway politics. Necessarily a fluctuating body, only a small number are familiar with the Company's history—its acts, engagements, policy, management. A great proportion are incompetent to judge of the questions that come before them, and lack decision to act out such judgments as they may form — executors who do not like to take steps involving much responsibility; trustees fearful of interfering with the property under their care, lest possible loss should entail a lawsuit; widows who have never in their lives acted for themselves in any affair of moment; maiden ladies, alike nervous and innocent of all business knowledge; clergymen whose daily discipline has been little calculated to make them acute men of the world; retired tradesmen whose retail transactions have given them small ability for grasping large considerations; servants possessed of accumulated savings and cramped notions; with sundry others of like helpless character—all of them rendered more or less conservative by ignorance or timidity, and proportionately inclined to support those in

authority. To these should be added the class of temporary shareholders, who, having bought stock on speculation, and knowing that a revolution in the Company is likely to depress prices for a time, have an interest in supporting the board irrespective of the goodness of its policy. Turn now to those whose efforts are directed to railway expansion. Consider the constant pressure of local interests — of small towns, of rural districts, of landowners — all of them eager for branch accommodation; all of them with great and definite advantages in view; few of them conscious of the loss those advantages may entail on others. Remember the influence of legislators, prompted some by their constituents, some by personal aims, and encouraged, most of them, by the belief that additional railway facilities are in every case nationally beneficial; and then calculate the extent to which, as stated to Mr. Cardwell's Committee, Parliament has 'excited and urged forward' Companies into rivalry. Observe the temptations under which lawyers are placed — the vast profits accruing to them from every railway contest, whether ending in success or failure; and then imagine the magnitude and subtlety of their extension manœuvring. Conceive the urgency of the engineering profession, to the richer of whom more railway-making means more wealth; to the mass of whom more railway-making means daily bread. Estimate the capitalist-power of contractors, whose unemployed plant brings heavy loss; whose plant when employed brings great gain. Then recollect that to these last—lawyers, engineers, and contractors—the getting up and executing of new undertakings is a business—a business to which every energy is directed; in which long years of practice have given great skill; and to the facilitation of which all means tolerated by men of the world are thought justifiable. Finally, consider that the classes interested in carrying out new schemes are in constant communication, and have every facility for combined action. A great part of them live in London, and most of these have offices at Westminster—in Great George Street, in Parliament Street, clustering round the Legislature. Not only are they thus concentrated, not only are they throughout the year in frequent business intercourse, but during the session they are daily together, in Palace Yard hotels, in the lobbies, in the committee-rooms, in the House of Commons itself. Is it any wonder then that the wide-spread, ill-informed, unorganised body of shareholders standing severally alone, and each pre-occupied with his daily affairs, should be continually out-generalled by the comparatively small but active, skilful, combined body opposed to them, whose very occupation is at stake in gaining the victory?

'But how about the directors?' it will perhaps be asked. 'How can they be parties to these obviously unwise undertakings? They are themselves shareholders: they gain by what benefits the proprietary at large; they lose by what injures it. And if without their consent, or rather their agency, no new scheme can be adopted by the Company, the classes interested in fostering railway enterprise are powerless to do harm.'

This belief in the identity of directorial and proprietary interests is the fatal error commonly made by shareholders. It is this which, in spite of many bitter experiences, leads them to be so careless and so trustful. 'Their profit is our profit; their loss is our loss; they know more than we do; therefore let us leave the matter to them.' Such is the argument which more or less definitely passes through the shareholding mind — an argument of which the premises are vicious, and the inference disastrous. Let us consider it in detail.

Not to dwell upon the many disclosures that have in years past been made respecting the share-trafficking of boards, and the large profits realised by it — disclosures which alone suffice to disprove the assumed identity between the interests of directors and proprietary — and taking for granted that little, if any, of this now takes place, let us go on to notice the still prevailing influences which render the apparent unity of purpose deceptive. The immediate interest which directors have in the prosperity of the Company, is often much less than is supposed. Occasionally they possess only the bare qualification of 1000*l.* worth of stock. In some instances even this is partly nominal. Admitting, however, as we do frankly, that in the great majority of cases the full qualification, and much more than the qualification, is held, yet it must be borne in mind that the indirect advantages which a wealthy member of a board may gain from the prosecution of a new undertaking, will often far outweigh the direct injury it will inflict on him by the depreciation of his shares. A board usually consists, to a considerable extent, of gentlemen residing at different points throughout the tract of country traversed by the railway they control: some of them landowners; some merchants or manufacturers; some owners of mines or shipping. Almost always these are advantaged more or less by a new branch or feeder. Those in close proximity to it often gain great benefits either by enhanced value of land, or by increased facilities of transit for their commodities. Those at more remote parts of the main line, though less directly interested, are still frequently interested in some degree; for every extension opens up new markets either for produce or raw materials; and if it is one

effecting a junction with some other system of railways, the greater mercantile conveniences afforded to directors thus circumstanced become important. Obviously, therefore, the indirect profits accruing to such from the prosecution of one of these new undertakings, may more than counterbalance the direct loss upon their railway investments; and though there are, doubtless, men far too honourable to let such considerations sway them, yet the generality can scarcely fail to be affected by temptations so strong. Then we have further to bear in mind the influences brought to bear upon directors having seats in Parliament. Already these have been noticed; and we recur to them only for the purpose of pointing out that here, too, the immediate evil of an increased discount on his 1000*l.* worth of stock may be to a director of much less consequence than the favours, patronage, influence, connections, position which his aid in the carrying of a new scheme will bring him—a consideration which, without saying how far it applies, suffices to show that in this respect, also, the supposed identity of interests between directors and shareholders does not hold.

But greatly as this supposed identity is weakened by the influences assigned, the disunion of interests they produce is further increased by the system of preference stock. Were there no other cause in action, this practice of raising capital for supplementary undertakings by the issue of shares bearing a guaranteed interest of 5, 6, and 7 per cent., would alone suffice to destroy that community of motives which is supposed to exist between a railway proprietary and its executive. Little as the fact is at present recognised, it is yet readily demonstrable that by raising one of these mortgages, a Company is forthwith divided into two classes; consisting the one of the richer shareholders, inclusive of the directors, and the other of the poorer shareholders; of which classes the richer one can protect itself from the losses which the poorer one has to bear—nay, can even profit by the losses of the poorer one. This assertion, startling as it will be to many, we will proceed to prove.

When the capital required for the execution of a branch or extension is raised by means of guaranteed shares, it is the custom to offer to each proprietor the privilege of taking up a number of such shares proportionate to the number of his original shares. It is manifest that by availing himself of this offer, he more or less effectually protects himself against any possible loss which the new undertaking may entail. Should this, not fulfilling the promises of its advocates, diminish in some degree the general dividend, yet a high dividend on the

due proportion of preference stock may nearly or quite compensate for this. Hence it becomes the policy of all who can do so, to take up as many guaranteed shares as they can get. But what happens when the circular announcing this appointment of guaranteed shares is sent round to the proprietary? Those who possess much stock, being generally capitalists, forthwith apply for as many as they are entitled to. On the other hand the smaller holders, constituting as they do the bulk of the Company, having no available funds with which to pay the calls on new shares, are obliged to decline them. What results? When this additional line has been opened, and it turns out, as usual, that its revenue is insufficient to meet the guaranteed dividend on its shares—when the general income of the Company is laid under contribution to make up this guaranteed dividend—when, as a consequence, the dividend on the original stock is diminished—then the poorer shareholders who possess original stock only, find themselves losers; whilst the richer ones, possessing guaranteed shares in addition, find that their gain on preference dividends nearly or quite counterbalances their loss on general dividends. Indeed, as above hinted, the case is even worse. For as there is nothing requiring the large share-proprietor who has obtained his proportion of guaranteed stock, to retain his original stock—as, if he doubts the paying character of the new undertaking, there is no reason why he should not gradually dispose of such part of his investment as will suffer from it; it is obvious that he may, if he pleases, become the possessor of preference shares only; and may so obtain a handsome return for his money at the expense of the Company at large and the small shareholders in particular. To what extent this policy is pursued we do not pretend to say. All which it here concerns us to notice is, that directors being almost always men of large means, and being, therefore, able to avail themselves of this guaranteed stock by which at least much loss may be warded off, if not profit made, are liable to be swayed by motives different from those of the general proprietary. And that they often are so swayed there cannot be a doubt. Without assuming that any of them will be guilty of so flagitious an intention as that of benefiting at the cost of their co-proprietors; and believing, as we do, that few of them duly realise the fact that the protection they will have, is a protection not available to the mass of the shareholders; we think it is a rational induction from common experience that this prospect of compensation will often turn the scale in the minds of those who are hesitating, and diminish the opposition on the part of those who disapprove.

Thus the belief which leads the majority of railway shareholders to place implicit faith in their directors, is an erroneous one. It is not true that there is an identity of interest between the proprietary and its executive. It is not true that the board forms an efficient guard against the intrigues of lawyers, engineers, contractors, and others who profit by railway-making. On the contrary, it is true that its members are not only liable to be drawn from their line of duty by various indirect motives, but that by the system of guaranteed shares they are placed under a positive temptation to betray their constituents.

And now what is the proximate origin of all these corruptions? And what is the remedy for them? What general error in railway legislation is it that has made possible such complicated chicaneries? How happens it that the representative system as applied to railway government is practically inoperative? Whence arises this facility with which interested persons continually thrust companies into unwise enterprises? We believe there is a very simple answer to these questions. It is an answer, however, which will at first sight be thought quite irrelevant: and we doubt not that the corollary we propose drawing from it will be forthwith condemned by practical men as incapable of being acted on. Nevertheless, if such will give us a little time to explain, we are not without hopes of showing both that the evils laboured under would be excluded were this principle recognised, and that the recognition of it is not only feasible, but would even open the way out of some of the perplexities in which railway legislation is at present involved.

We conceive, then, that the fundamental vice of our system, as hitherto carried out, lies in *the misinterpretation of the proprietary contract* — the contract tacitly entered into between each shareholder and the body of shareholders with whom he unites; and that the remedy desired lies simply in the enforcement of an equitable interpretation of this contract. In reality it is a strictly limited one: in practice it is treated as altogether unlimited: and the thing needed is, that it should be clearly defined and abided by.

Our popular form of government has so habituated us to seeing public questions decided by the voice of the majority, and the system is so manifestly equitable in the cases daily before us, that there has been produced in the general mind an unhesitating belief that the majority's power is unbounded. Under whatever circumstances, or for whatever ends a number of men co-operate, it is held that whenever difference of opinion arises among them, justice requires that the will of the greater number shall be

executed rather than that of the smaller number; and this rule is supposed to be uniformly applicable, be the question at issue what it may. So confirmed is the conviction, and so little have the ethics of the matter been considered, that to most this mere suggestion of a doubt will cause some astonishment. Yet it needs but a brief analysis to show that the opinion is little better than a political superstition. Instances may readily be selected, serving at once to prove by *reductio ad absurdum*, that the right of a majority is a purely conditional right, valid only within specific limits. Let us take a few. Suppose that at the general meeting of some philanthropic association, it was resolved that in addition to relieving distress the association should employ home-missionaries to preach down popery. Might the subscriptions of Catholics who had joined the body with charitable views be rightfully used for this end? Suppose that of the members of a book-club, the greater number, thinking that under existing circumstances rifle practice was more important than reading, should decide to change the purpose of their union, and to apply the funds in hand for the purchase of powder, ball, and targets. Would the rest be bound to abide by this decision? Suppose that under the excitement of news from Australia, the majority of a Freehold Land Society should determine, not simply to start in a body for the gold diggings, but to use their accumulated capital to provide outfits. Would this appropriation of property be just to the minority? And must these join the expedition? Scarcely any one would venture an affirmative answer even to the first of these questions; much less to the others. And why? Because all must more or less clearly perceive that by uniting himself with others, no man can equitably be betrayed into acts utterly foreign to the purpose for which he joined them. Each of these supposed minorities would properly reply to those seeking to coerce them: — 'We combined with you for a defined 'object; we gave money and time for the furtherance of that 'object; on all questions thence arising we tacitly agreed to 'conform to the will of the greater number; but we did not 'agree to conform on any other questions. If you induce us to 'join you by professing a certain end, and then undertake some 'other end of which we were not apprised, you obtain our sup-'port under false pretences; you exceed the expressed or under-'stood compact to which we committed ourselves; and we are 'no longer bound by your decisions.' Clearly this is the only rational interpretation of the matter. The general principle underlying the right government of every incorporated body, is, that its members contract with each other severally to submit to the will of the majority *in all matters concerning the fulfilment of*

*the object for which they were incorporated; but in no others.* To this extent only can the contract hold. For as it is implied in the very nature of a contract that those entering into it must know what they contract to do; and as those who unite with others for a specified object cannot contemplate all the unspecified objects which it is hypothetically possible for the union to undertake; it follows that the contract entered into cannot extend to such unspecified objects: and if there exists no expressed or understood contract between the union and its members respecting unspecified objects, then for the majority to coerce the minority into undertaking them, is nothing less than gross tyranny.

Now this almost self-evident principle is wholly ignored alike in our railway legislation and the proceedings of our companies. Definite as is the purpose with which the promoters of a public enterprise combine, endless other purposes not dreamed of at the outset are commonly added to it; and this, apparently without any suspicion that such a course is altogether unwarrantable, unless taken with the *unanimous* consent of the proprietors. The unsuspecting shareholder who signed the subscription contract for a line from Greatborough to Grandport, did so under the belief that it would not only be a public benefit but a good investment. He was familiar with the country: he had been at some trouble to estimate the traffic: and, fully believing that he knew what he was embarking in, he put down his name for a large amount. The line has been made: a few years of prosperity have justified his foresight: when, at some fatal special meeting, a project is put before him for a branch from Littlehomestead to Stonyfield. The will of the board and the intrigues of the interested, overbear all opposition; and in spite of the protests of many who like him see its impolicy, he presently finds himself involved in an undertaking which, when he joined the promoters of the original line, he had not the remotest conception would ever be proposed. From year to year this proceeding is repeated; his dividends dwindle and his shares go down; and eventually the congeries of enterprises to which he is committed, grows so vast that the first enterprise of the series becomes but a small fraction of the whole. Yet it is in virtue of his consent to this first of the series that all the rest are thrust upon him. He feels that there is an injustice somewhere; but, believing in the unlimited right of a majority, fails to detect it. He does not see that when the first of these extensions was proposed he should have denied the power of his brother-shareholders to implicate him in an undertaking not contemplated in their deed of incorporation. He should have told the advocates of such undertaking that they were perfectly free

to form a separate Company for the execution of it; but that they could not rightfully compel dissentients to join in a new project, any more than they could rightfully have compelled dissentients to join in the original project. Had such a shareholder united with others for the specified general purpose of *making railways*, he would have had no ground for protest. But he united with others for the specified purpose of *making a particular railway*. Yet such is the confusion of ideas on the subject that there is absolutely no difference recognised between these cases!

It will doubtless be alleged in defence of all this, that these secondary enterprises are in reality supplementary to the original one; are in some sense undertaken for the furtherance of it; professedly minister to its prosperity; cannot, therefore, be regarded as altogether separate enterprises. And it is true that they have this for their excuse. But if it is a sufficient excuse for accessories of this nature, it may be made a sufficient excuse for any accessories whatever. Already Companies have carried the practice beyond the making of branches and extensions. Already, under the plea of bringing more traffic to their lines, they have constructed docks; bought lines of steam-packets; built vast hotels; deepened river-channels. Already they have created small towns for their workmen; erected churches and schools; salaried clergymen and teachers. Are these warranted on the ground of advancing the Companies' interests? Then thousands of other undertakings are similarly warranted. If a view to the development of traffic justifies the making of a branch to some neighbouring coal mines, then, should the coal mines be inefficiently worked, the same view would justify the purchase of them—would justify the Company in becoming coal-miners and coal-sellers. If anticipated increase of goods and passengers is a sufficient reason for carrying a feeder into an agricultural district, then is it a sufficient reason for organising a system of coaches and waggons to run in connexion with this feeder; for making the requisite horse-breeding establishments; for hiring the needful farms; for buying estates; for becoming agriculturists. If it be allowable to purchase steamers plying in conjunction with the railway, it must be allowable to purchase merchant vessels to trade in conjunction with it; it must be allowable to set up a yard for building such vessels; it must be allowable to erect depôts at foreign ports for the receipt of goods; it must be allowable to employ commission agents for the collection of such goods; it must be allowable to extend a mercantile organisation all over the world. From making its own engines and carriages, a Company may readily progress to manufacturing its own iron and growing its own timber. From giving its employés secular

and religious instruction, and providing houses for them, it may go on to supply them with food, clothing, medical attendance, and all the needs of life. From being simply a corporation to make and work a railway between A. and B., it may become a miner, manufacturer, merchant, ship-owner, canal proprietor, hotel-keeper, landowner, house builder, farmer, retail-trader, priest, teacher — an organisation of indefinite extent and complication. There is no logical alternative between permitting this, and strictly limiting the corporation to the object first agreed upon. A man joining with others for a specific purpose, must be held to commit himself to that purpose only; or else to all purposes whatever that they may choose to undertake.

But proprietors dissenting from one of these supplementary projects are told that they have the option of selling out. So might the dissentients from a new State-enforced creed be told, that if they did not like it they might leave the country. The one reply is little more satisfactory than the other would be. The opposing shareholder sees himself in possession of a good investment—one, perhaps, which, as an original subscriber, he ran some risk in obtaining; this investment is now about to be endangered by an act not named in the deed of incorporation; and his protests are met by saying, that if he fears the danger he may part with his investment. Surely this choice between two evils scarcely meets his claims. Moreover, he has not even this in any fair sense. It is often an unfavourable time to sell. The very rumour of one of these extensions frequently causes a depreciation of stock. And if many of the minority throw their shares on the market this depreciation is greatly increased; a fact which further hinders them from selling. Thus the choice is in reality between parting with a good investment at much less than its value; and running the risk of having its value greatly diminished.

The injustice inflicted upon minorities in the prosecution of this extension policy is, indeed, already recognised in a certain vague way. The recently established Standing Order of the House of Lords, that before a Company can carry out any new undertaking, three-fourths of the votes of the proprietors shall be recorded in its favour, clearly implies a perception that the usual rule of the majority does not apply. And again, in the case of The Great Western Railway Company *versus* Rushout, the decision that the funds of the Company could not be used for purposes not originally authorised, without a special legislative permit, involves the doctrine that the will of the greater number is not of unlimited validity. In both these cases, however, it is taken for granted that a State-warrant can

justify what without it would be unjustifiable. We must take leave to question this. If it be held that an Act of Parliament can make murder proper, or can give rectitude to robbery, it may be consistently held that it can sanctify a breach of contract; but not otherwise. We are not about to enter upon the vexed question of the standard of right and wrong; and to inquire whether it is the function of a Government to make rules of conduct, or, simply to enforce rules deducible from the laws of social life. We are content, for the occasion, to adopt the expediency-hypothesis; and adopting it, must yet contend, that, rightly interpreted, it gives no countenance to this supposed power of a Government to alter the limits of an equitable contract against the wishes of some of the contracting parties. For as understood by its teachers and their chief disciples, the doctrine of expediency is not a doctrine implying that each particular act is to be determined by the particular consequences that may be expected to flow from it; but that the general consequences of entire classes of acts having been ascertained by induction from experience, rules shall be framed for the regulation of such classes of acts, and each rule shall be uniformly applied to every act coming under it. Our whole administration of justice proceeds on this principle of invariably enforcing an ordained course, regardless of special results. Were immediate consequences to be considered, the verdict gained by the rich creditor against the poor debtor would generally be reversed; for the starvation of the last is a much greater evil than the inconvenience of the first. Most thefts arising from distress would go unpunished; a great proportion of men's wills would be cancelled; many of the wealthy would be dispossessed of their fortunes. But it is clearly seen, that were judges thus guided by proximate evils and benefits, the ultimate result would be social confusion; that what was immediately expedient would be ultimately inexpedient; and hence the aim at rigorous uniformity, spite of incidental hardships. Now, the binding nature of agreements is one of the commonest and most important principles of civil law. A large part of the causes daily heard in our courts involve the question, whether in virtue of some expressed or understood contract, those concerned are, or are not, bound to certain acts or certain payments. And when it has been decided what the contract implies, the matter is settled. The contract itself is held sacred. And this sacredness of a contract, being, according to the expediency-hypothesis, justified by the experience of all nations in all times that it is generally beneficial, it is *not* competent for a Legislature to declare that contracts are violable. Assuming always that the

contracts are themselves equitable, there is no rational system of ethics which warrants the alteration or dissolving of them, save by the consent of all concerned. If then it be shown, as we think it has been shown, that the contract tacitly entered into by railway shareholders with each other has definite limits, it is the function of the Government to *enforce*, and not to *abolish*, those limits. It cannot decline to enforce them without running counter, not only to all theories of moral obligation, but to its own judicial system. It cannot abolish them without glaring self-stultification.

Returning, for a moment, to the manifold evils, of which the misinterpretation of the proprietary contract was assigned as the cause, it only remains to point out that were the just construction of this contract insisted upon, such evils would, in great part, be impossible. The various illicit influences by which Companies are daily betrayed into disastrous extensions would necessarily be inoperative when such extensions could not be undertaken by them. When such extensions had to be undertaken by independent bodies of shareholders with no one to guarantee them good dividends, the local and class interests would find it a less easy matter than at present to aggrandise themselves at the expense of others.

And now as to the policy of thus modifying railway legislation,—the commercial policy we mean. Leaving out of sight the more general social interests, let us glance at the effects on mercantile interests—the proximate instead of the ultimate effects. The implication contained in the last paragraph, that the making of branches and supplementary lines would no longer be so facile, will be thought to prove the disadvantage of any such limit as the one advocated. Many will argue that to restrict Companies to their original undertakings would fatally cripple railway enterprise. Many others will remark that, however detrimental to shareholders this extension system may have been, it has manifestly proved beneficial to the public. Both these positions seem to us more than questionable. We will first look at the last of them.

Even were travelling accommodation the sole thing to be considered, it would not be true that prodigality in new lines has been advantageous. The districts supplied have, in many cases, themselves been injured by it. It is shown by the evidence given before the Select Committee on Railway and Canal Bills, that in Lancashire the existence of competing lines has, in some cases, both diminished the facilities of communication and increased the cost. It is further shown by this evidence that a town obtaining branches from two antagonist Companies,

by-and-by, in consequence of a working arrangement between these Companies, comes to be worse off than if it had but one branch, — and Hastings is quoted as an example. It is again shown that a district may be wholly deprived of railway accommodation by the granting of a superfluity of lines; as in the case of Wilts and Dorset. In 1844–5, the Great Western and the South Western Companies projected rival systems of lines supplying these and parts of the adjacent counties. The Board of Trade 'asserting that there was not sufficient traffic 'to remunerate an outlay for two independent railways,' reported in favour of the Great Western schemes, and bills were granted for them; a certain agreement, suggested by the Board of Trade, being at the same time made with the South Western, which, in return for reciprocal advantages, conceded this district to its rival. Notwithstanding this agreement, the South Western, in 1847, projected an extension calculated to take most of the traffic from the Great Western extensions; and in 1848, Parliament, though it had virtually suggested this agreement, and though the Great Western Company had already spent a million and a half in the part execution of the new lines, authorised the South Western project. The result was, that the Great Western Company suspended their works; the South Western Company were unable, from financial difficulties, to proceed with theirs; the district has remained for years unaccommodated; and only since the powers granted to the South Western have expired from delay, has the Great Western recommenced its long-suspended undertakings.

And if this excessive multiplication of supplementary lines has often directly decreased the facilities of communication, still more has it done this indirectly, by maintaining the cost of travelling on the main lines. Little as the public in general are conscious of the fact, it is nevertheless true that they pay for the accommodation of unremunerative districts by high fares in remunerative districts. Before this reckless branch-making commenced, 8 and 9 per cent. were the dividends returned by our chief railways; and these dividends were rapidly increasing. The maximum dividend allowed by their Acts is 10 per cent. Had there not been unprofitable extensions this maximum would have been reached many years since; and in the absence of the power to undertake new works, the fact that it had been reached could not have been hidden. Lower rates for goods and passengers would necessarily have followed. These would have caused a large increment of traffic; and with the aid of the natural increase otherwise going on, the maximum would shortly again have been reached. There can scarcely be a

doubt that repetitions of this process would, before now, have reduced the fares and freights on our main lines to at least one-third less than the present ones. This reduction, be it remembered, would have affected those railways which subserve commercial and social intercourse in the greatest degree,—would, therefore, have applied to the most important part of the traffic throughout the kingdom. As it is, however, this greater proportion of the traffic has been heavily taxed for the benefit of the smaller proportion. That the tens who travel on branches might have railway communication, the hundreds who travel along main lines have been charged 30, perhaps 40 per cent. extra. Nay, worse; that these tens might be accommodated, the hundreds who would have been brought on to the main lines by lower fares have gone unaccommodated. Is it then so clear that undertakings which may have been disastrous to shareholders have yet been beneficial to the public?

But it is not only in greater cost of transit that the evil has been felt; it has been felt also in diminished safety. The multiplication of railway accidents which has of late years drawn so much attention, has been in no inconsiderable degree caused by the extension policy. The relation is not obvious; and we had ourselves no conception that such a relation existed until the facts illustrative of it were furnished to us by a director who had witnessed the whole process of causation. When preference-share dividends and guarantees began to make large draughts upon half-yearly revenues—when original stock was greatly depreciated, and the dividends upon it fell from 9 and 8 per cent. to $4\frac{1}{2}$ and 4 and $3\frac{1}{2}$, great dissatisfaction necessarily arose amongst shareholders. There were stormy meetings, motions of censure, and committees of investigation. Retrenchment was the general cry; and retrenchment was carried to a most imprudent extent. Directors with an indignant proprietary to face, and under the fear that their next dividend would be no greater, perhaps less, than the last, dared not to lay out money for the needful repairs. Permanent way, reported to them as requiring to be replaced, was made to serve awhile longer. Old rolling stock was not superseded by new to the proper extent; nor increased in proportion to the demand. Committees, appointed to examine where the expenditure could be cut down, went round discharging a porter here, dispensing with a clerk there, and diminishing the salaries of the officials in general. To such a length was this policy carried, that in one case, to effect a saving of 1200*l.* per annum, the working staff was so crippled as to cause, in the course of a few years, a loss of probably 100,000*l.*—such, at least, is the opinion of the

gentleman on whose authority we make this statement, who was himself one of the retrenchment committee. What, now, was the necessary result of all this? With the line out of condition; with engines and carriages neither sufficient in number nor in the best working order; with drivers, guards, porters, clerks and the rest decreased to the smallest number with which it was possible to work; with inexperienced managers in place of the experienced ones driven away by reduced salaries; what was likely to occur? Was it not certain that an apparatus of means just competent to deal with the ordinary traffic, would be incompetent to deal with extraordinary traffic? that a decimated body of officials under inferior regulation would fail in the emergencies sure from time to time to occur? that with way and works and rolling stock all below par, there would occasionally be a concurrence of small defects, permitting something to go wrong? Was not a multiplication of accidents inevitable? No one can doubt it. And if we trace back this result step by step to its original cause—the reckless expenditure in new lines—we shall see further reason to doubt whether such expenditure has been as advantageous to the public as is supposed. We shall hesitate to indorse the opinion of the Select Committee on Railway and Canal Bills, that it is desirable 'to increase the facility for obtaining lines of local con-'venience.'

Still more doubtful becomes the alleged benefit accruing to the public from extensions that cause loss to shareholders, when, from considering the question as one of traffic, we turn to consider it as a general commercial question—a question of political economy. Were there no facts showing that the travelling facilities gained were counterbalanced, if not more than counterbalanced, by the travelling facilities lost, we should still contend that the making of branches that do not return fair dividends, is a national evil, and not a national good. The prevalent error committed in studying matters of this nature consists in looking at them separately, rather than in connection with other social wants and social benefits. Not only does one of these undertakings, when executed, affect society in various ways, but the effort put forth in the execution of it affects society in various ways; and to form a true estimate the two sets of results must be compared. The axiom that 'action and re-'action are equal, and in opposite directions,' is true, not only in mechanics,—it is true everywhere. No power can be put forth by a nation to achieve a given end, without producing for the time being a corresponding inability to achieve some other end. No amount of capital can be abstracted for one purpose without

involving an equivalent lack of capital for another purpose. Every advantage wrought out by labour is purchased by the relinquishment of some alternative advantage which that labour might else have wrought out. In judging, therefore, of the benefits flowing from any public undertaking, it is requisite to consider them not by themselves, but as contrasted with benefits which the invested capital would otherwise have secured. But how can these relative benefits be measured, it may be asked. Very simply. The rate of interest which the capital will bring as thus respectively applied, is the measure. Money which, if used for a specific end, gives a smaller return than it would give if otherwise used, is used disadvantageously, not only to its possessors, but to the community. This is a corollary from the commonest principles of political economy—a corollary so simple that we can scarcely understand how, after the free-trade controversy, a committee, numbering among its members Mr. Bright and Mr. Cardwell, should have overlooked it. Have we not been long ago taught that in the mercantile world capital goes where it is most wanted—that the business which is at any time attracting capital by unusually high returns, is a business proved, by that very fact, to be unusually active—that its unusual activity shows society to be making great demands upon it; giving it high profits; wanting its commodities or services more than other commodities or services? Do not comparisons among our railways demonstrate that those paying large dividends are those subserving the public needs in a greater degree than those paying smaller dividends? and is it not obvious that the efforts of capitalists to get these large dividends led them to supply the greater needs before the lesser needs? Surely, the same law which holds in ordinary commerce, and also holds between one railway investment and another, holds likewise between railway investments and other investments. If the money expended in making branches and feeders is yielding an average return of from 1 to 2 per cent., whilst if employed in land-draining or ship-building, it would return 4 or 5 per cent. or more, it is a conclusive proof that money is more wanted for land-draining and ship-building than for branch-making. And the general conclusions to be drawn are, that that large proportion of railway capital which does not pay the current rate of interest, is capital ill laid out; that if the returns on such proportion were capitalized at the current rate of interest, the resulting sum would represent its real value; and that the difference between this sum and the amount expended would indicate the national loss—a loss which, on the lowest estimate, would exceed 100,000,000*l.* And however

true it may be that the sum invested in unprofitable lines will go on increasing in productiveness, yet as, if more wisely invested, it would similarly have gone on increasing in productiveness, perhaps even at a greater rate, this vast loss must be regarded as a permanent and not as a temporary one.

Again then, we ask, is it so obvious that undertakings which have been disastrous to shareholders have yet been advantageous to the public? Is it not obvious, rather, that in this respect, as in others, the interests of shareholders and the public are in the end identical? And does it not seem, that instead of recommending 'increased facilities for obtaining lines of local 'convenience,' the Select Committee might properly have reported that the existing facilities are abnormally great, and should be decreased?

There remains still to be considered, the other of the two objections above adverted to as liable to be raised against the proposed interpretation of the proprietary contract — the objection, namely, that it would be a serious hindrance to railway enterprise. After what has already been said it is scarcely needful to reply, that the hindrance would be no greater than is natural and healthful — no greater than is requisite to hold in check the private interests at variance with public ones. This notion that railway enterprise will not be carried on with due activity without artificial incentives — that bills for local extensions 'rather need encouragement,' as the committee say, is nothing but a remnant of protectionism. The motive which has hitherto led to the formation of all independent railway companies — the search of capitalists for good investments, — may safely be left to form others as fast as local requirements become great enough to promise fair returns; as fast, that is, as local requirements should be satisfied. This would be manifest enough without illustration; but there are facts proving it.

Already we have incidentally referred to the circumstance, that it has of late become common for landowners, merchants, and others locally interested, to get up railways for their own accommodation, which they do not expect to pay satisfactory dividends; and in which they are yet content to invest considerable sums, under the belief that the indirect profits accruing to them from increased facilities of traffic, will out-balance the direct loss. To so great an extent is this policy being carried, that, as stated to the Select Committee, 'in Yorkshire and 'Northumberland, where branch lines are being made through 'mere agricultural districts, the landowners are *giving their land* 'for the purpose, and taking shares.' With such examples

before us it cannot rationally be doubted that there will always be capital forthcoming for the making of local lines as soon as the sum of the calculated benefits, direct and indirect, justifies its expenditure.

'But,' it will be urged, 'a branch that would be unremunerative as an independent property, is often remunerative to the company that has made it in virtue of the traffic it brings to the trunk line. Though yielding meagre returns on its own capital, yet, by increasing the returns on the capital of the trunk line, it compensates, or more than compensates. Were the existing company, however, forbidden to extend its undertaking, such a branch would not be made; and injury would result.' This is all true, with the exception of the last assertion, that such a branch would not be made. Though in its corporate capacity the company owning the trunk line would be unable to join in a work of this nature, there would be nothing to prevent individual shareholders in the trunk line from doing so to any extent they thought fit; and were the prospects as favourable as is assumed, this course, being manifestly advantageous to individual shareholders, would be pursued by many of them. If, acting in concert with others similarly circumstanced, the owner of 10,000*l.* worth of stock in the trunk line, could aid the carrying out of a proposed feeder promising to return only two per cent. on its cost, by taking shares to the extent of 1000*l.*, it would answer his purpose to do this, providing the extra traffic it brought would raise the trunk line dividend by one fourth per cent. Thus, under a limited proprietary contract, companies would still, as now, foster extensions where they were wanted; the only difference being, that in the absence of guaranteed dividends, some caution would be shown; and the poorer shareholders would not, as at present, be sacrificed to the richer.

In brief, our position is that whenever, by the efforts of all parties to be advantaged — local landowners, manufacturers, merchants, trunk-line shareholders, &c. — the capital for an extension can be raised — whenever it becomes clear to all such that their indirect profits plus their direct profits will make the investment a paying one, the fact is proof that the line is wanted. On the contrary, whenever the prospective gains to those interested, are insufficient to induce them to undertake it, the fact is proof that the line is not wanted so much as other things are wanted; and therefore *ought not to be made*. Instead then of the principle we advocate being objectionable as a check to railway enterprise, one of its merits is, that by destroying the artificial incentives to such enterprise, it would confine it within normal limits.

A perusal of the evidence given before the Select Committee will show that it has sundry other merits, which we have space only to indicate.

It is estimated by Mr. Laing — and Mr. Stephenson, whilst declining to commit himself to the estimate, 'does not be-'lieve he has overstated it,' — that out of the 280,000,000*l.* already raised for the construction of our railways, 70,000,000*l.* has been needlessly spent in contests, in duplicate lines, in 'the 'multiplication of an immense number of schemes prosecuted at 'an almost reckless expense;' and Mr. Stephenson believes that this sum is 'a very inadequate representative of the actual loss 'in point of convenience, economy, and other circumstances 'connected with traffic, which the public has sustained by reason 'of parliamentary carelessness in legislating for railways.' Under an equitable interpretation of the proprietary contract, the greater part of this would have been avoided.

The competition between rival companies in extension and branch making, which has already done vast injury, and the effects of which, if not stopped, will in the opinion of Mr. Stephenson, be such that 'property now paying 5½ per cent. will 'in ten years be worth only 3 per cent., and that on twenty-one 'millions of money,' — this competition could never have existed in its intense and deleterious form under the limiting principle we advocate.

Prompted by jealousy and antagonism, our companies have obtained powers for 2000 miles of railway which they have never made. The millions thus squandered in surveys and parliamentary contests — 'food for lawyers and engineers' — would nearly all have been saved, had each supplementary line been obtainable only by an independent body of proprietors with no one to shield them from the penalties of reckless scheming.

It is admitted that the branches and feeders constructed from competitive motives have not been laid out in the best directions for the public. To defeat, or retaliate upon, opponents, having been one of the ends — often the chief end — in making them, routes have been chosen specially calculated to effect this end; and the local traffic has in consequence been ill provided for. Had these branches and feeders, however, been left to the enterprise of their respective districts, aided by such other enterprise as they could attract, the reverse would have been the fact; seeing that on the average, in these smaller cases as in the greater ones, the routes which most accommodate the public must be the routes most profitable to projectors.

Were the illegitimate competition in extension-making done away, there would remain between companies just that normal

competition which is advantageous to all. It is not true, as is alleged, that there cannot exist between railways a competition analogous to that which exists between traders. The evidence of Mr. Saunders, the secretary of the Great Western Company, proves the contrary. He shows that where the Great Western and the North Western railways communicate with the same towns, as at Birmingham and Oxford, each has tacitly adopted the fare which the other was charging; and that whilst there is thus no competition in fares, there is competition in speed and accommodation. The results are, that each takes that portion of the traffic, which in virtue of its position and local circumstances, naturally falls to its share; that each stimulates the other to give the greatest advantages it can afford; and that each keeps the other in order by threatening to take away its natural share of the traffic, if, by ill-behaviour or inefficiency, it counterbalances the special advantages it offers. Now, this is just the form which competition eventually assumes between traders. After it has been ascertained by underselling what is the lowest remunerative price at which any commodity can be sold, the general results are, that that becomes the established price; that each trader is content to supply those only who, from proximity or other causes, naturally come to him; and that only when he treats his customers badly need he fear that they will inconvenience themselves by going elsewhere for their goods.

Is there not then, pressing need for an amendment of the laws affecting the proprietary contract, — an amendment which shall transform it from an unlimited into a limited contract? or rather, — not *transform* it into such, but *recognise* it as such? If there be truth in our argument, the absence of any limitation has been the chief cause of the manifold evils of our railway administration. The share-trafficking of directors; the complicated intrigues of lawyers, engineers, contractors, and others; the betrayal of proprietaries, — all the complicated corruptions which we have detailed, have primarily arisen from it, have been made possible by it. It has rendered travelling more costly and less safe than it would have been; and whilst apparently facilitating traffic, has indirectly hindered it. By fostering antagonism, it has led to the ill laying out of supplementary lines; to the wasting of enormous sums in useless parliamentary contests; to the loss of an almost incredible amount of national capital in the making of railways for which there is no due requirement. Regarded in the mass, the investments of shareholders have been reduced by it to less than half the average productiveness which such investments should possess; and, as all authorities admit, railway property is, even

now, kept below its real value by the fear of future depreciations consequent on future extensions. Considering then the vastness of the interests at stake, — considering that the total capital of our companies will soon reach 300,000,000*l.*, — considering on the one hand, the immense number of persons owning this capital (many of them with no incomes but what are derived from it) and, on the other hand, the great extent to which the community is concerned, both directly as to its commercial facilities, and indirectly as to the economy of its resources, — considering all this, it becomes extremely important, that railway property should be placed on a secure footing, and railway enterprise confined within normal bounds. The change is demanded alike for the welfare of shareholders and the public; and it is one which equity manifestly dictates. No charge of over-legislation can be brought against it. It is simply an extension to joint-stock contracts of the principle applied to all other contracts; it is merely a fulfilment of the State's judicial function in cases hitherto neglected; it is nothing but a better administration of justice.

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ART. V. — *History of Scotland, from the Revolution to the Extinction of the last Jacobite Insurrection*, — 1689-1748. By JOHN HILL BURTON. In 2 vols. 8vo. London: 1853.

To commence a History of Scotland eighty-six years after her political individuality had been merged by a junction of the two British Crowns on the head of her own Sovereign, and to continue it during forty-one years after her nationality had been formally amalgamated with that of England, may appear a somewhat anomalous task, its accomplishment in two rather bulky octavos a really formidable result. Yet Mr. Burton's undertaking was neither one of supererogation nor book-making. The Union of the Crowns in 1603, and that of the kingdoms in 1707, although ingeniously devised expedients of king-craft and constitution-craft, not ill suited to the exigencies they professed to meet, were crude pieces of mechanism, requiring long use and frequent patching, ere the machine gradually attained a smooth and easy movement. Indeed, until 1707, Scotland was independent in legislature and finance, and even the treaty of that year, by which she surrendered these distinguishing features, left her laws and ecclesiastical polity unimpaired, while it has required generations to modify social distinctions, efface statis-

tical anomalies, and soften provincialisms of language, even now fondly cherished or inadvertently retained.

But there was another reason for treating as a separate episode of Scottish history the period which these volumes include. The secondary position which that kingdom necessarily occupied after the accession of James VI. to the English throne, was rendered palatable to a proud and sensitive people by the fact that her race of far-descended sovereigns now reigned over the dominions of her hereditary rival, as well as her own. By the Revolution of 1688, that spell was broken, that boast ended. The expulsion of the Stuart dynasty thus assumed the complexion of a national insult. Old but dormant jealousies consequently revived, and when the panacea proposed for these symptoms was imposed upon the unwilling patient, and followed by none of those ameliorations which advocates of the Act of Union had predicted as its certain results, a restoration of the old dynasty was the resource recommended equally by policy and pride. Hence that long series of Jacobite intrigues and insurrections (at once the cause and effect of Scotland's isolation from British interests during the former half of last century), which are very properly included in a work describing the latest efforts of Scottish nationality.

We owe Mr. Burton our thanks for the painstaking and thoughtful spirit in which he has executed his task. In his introductory chapter, he has judiciously sketched some of the characters most prominent at the outset of his work. Giving due preference to the new king's advisers, he presents to us the vacillating Duke of Hamilton and his coadjutors, Lord Stair and Principal Carstairs being the only men of intellectual mark among the group. The former of these is thus portrayed:—

'Every body of men, great or small, has its conventional idols, who, towering above their brethren, look down on those even who are nearest to them as spread with the ordinary crowd on the plain below; Lord Stair has been in such fashion the unapproached head of Scottish law. The field was not a large one,—very different indeed in its extent, intricacy, and importance to the world, from that on which the busy brain of Sir Edward Coke was ever wandering and gleaning. But to the field, such as it was, he brought so entire an intellectual command, both in knowledge and genius, that he made his labours within it illustrious. It is perceptible in his great professional book, called, after the example of Justinian, an Institute, that while other writers of like works seem generally to acquire knowledge as they write, and to enlarge their classification as they master their details, with him a comprehensive mind had laid out all the analysis by rules founded on a larger knowledge than the laws of a small country could supply; and thus each detail as it came up found its proper place,

while the great outlines remained to some extent still unfilled. He was a philosopher in many other departments, and an intellectual ornament of a rather dark and unhappy age of Scottish literature. What he might have been had he shone in less evil days it is difficult to determine, for some have thought that his genius was of a kind which, in calm times, would have been comparatively sterile, and required the excitement of restless politics to rouse it into action. His career had been such as to place him among the most extensively hated of his countrymen. In the lottery which the convulsions of the previous thirty years had made in the distribution of office, he had drawn more prizes than were likely, as it was thought, to fall to the lot of an honest man. At the present day, when much of the minor malignity of such disputes is lost, and people only care for their main outlines, it only gives credit and strength to a host of fugitive malignant pamphlets to find the illustrious Lord President publishing an apology for his conduct.

'He was a member of Cromwell's Commission of Justice, and retained his position at the Restoration, by being appointed a Lord of Session. When all official persons were required to take the declaration, condemning the Covenant, he refused to do so. The law required that he should forfeit his office; but professing to pass abroad an exiled unemployed man, it fell to his lot to have audience of the King on his way; and the rather suspicious result was, that the King refused to receive his resignation, and subjected him, as a loyal man, to the necessity of retaining his office. In 1676, he rose to the climax of his fortune by being chosen, while still in the full vigour of his powers, to the office of Lord President, to which he was reappointed. He was thoroughly Protestant in his principles, and cautiously stood out against the wretched severities which preceded the fall of the Stuarts. In the filling up of a new commission, he found himself noiselessly deprived of his office; and his official friends recommended him not to complain or draw attention to the change, but rather to travel abroad; and, with the other refugees, he found it suitable to reside in Holland. He was thus one of the fortunate few who, having attached themselves to the Prince in his comparative obscurity, threw their fortunes into the venture of his expedition, and had claims on his notice far beyond those of the time-servers, who had not borne the burden and heat of the day. The wise lawyer and erudite philosopher commanded the almost respectful attention of the young Prince. He was far advanced in years, with a dignified demeanour, sedately pleasing in his manners, and rich in stores of practical knowledge far beyond the bounds of his profession. To some extent, both in his gifts and his weaknesses, his capacities and career suggest a parallel with the stained lustre of the fame of Bacon.' (Vol. i. p. 26.)

Mr. Burton has treated with care and forbearance the delicate ecclesiastical topics with which he had to deal. It may startle many to find it stated that the 'moderate Presbyterianism, resting not on the covenants, but [on] the earlier and purely doctrinal standards, which was actually established, had not the

'adherence of a majority of the people;' and that 'the esta-'blished Church was in fact an artificial compromise, created by 'the tact and ingenuity of King William and his advisers, backed 'by a triumphant political party.' But dexterous adjustments are the usual and on the whole most satisfactory solution of questions in which cases of conscience are largely involved. The new sovereign was wise enough to prefer such settlement as might be most 'agreeable to the inclination of the people;' and his instructions, honestly so given, had some effect in securing that whatever solution might be adopted should be accepted as satisfactory to the bulk of the nation, though not in perfect accordance with individual convictions. There are, indeed, indications that such a concession was by no means necessary as regarded the more extreme zealots, to whom the principle of general consent, which we are apt to suppose the actual and theoretical basis of the new establishment, was rather a stumbling block than a recommendation. To this effect Mr. Burton has adduced the testimony of contemporary writers of that class, that 'the inclina-'tions of the people' being in fact mere indications of 'their in-'terests, humours, and the several influences of subtle men upon 'them,' are too uncertain and variable a foundation for the fabric of a church government. (Vol. i. p. 189.) And in the so-called measure for the abolition of patronage in 1690, the presentations, taken from generally prelatic landowners, were by no means transferred to the congregations, whose rights were expressly limited to a power of objecting upon cause shown. For the introduction of popular election would have refilled the northern pulpits with an episcopal clergy, the western ones with fierce and impracticable Hill-men, both of them opposed to that moderate Presbyterianism which the Government sagaciously considered the safest and most manageable development of Scottish Calvinism.

The peculiarities of doctrine and temperament which long kept the Cameronians apart from other Presbyterian sects are dissected and exposed by one little disposed to brook pragmatical intolerance under any professions, but with a caustic appreciation of Calvinistic dogmatism which may have been sharpened by recent events in his own country:—

'The ruling principle of these men was the simplest and broadest of all human principles—that which has more or less guided mankind in all ages and all conditions of society—in despotisms, oligarchies, and democracies—among Polytheists, Mahommedans, Jews, and Christians. It was the simple doctrine that I am right and you are wrong, and, that whatever opinion different from mine is entertained by you must be forthwith uprooted. By another way of describing the re-

lative position of parties, the Cameronians were the select people of God and his chosen instruments, while all who differed with or opposed them were the children of perdition. They took their creed from the New Testament, but their associations and religious revellings were all in the Old; and, if the tone of their writings were held as a sufficient indication, it might be said that they coldly adopted the one as a formal test, but that their souls yearned after the older dispensation, as a practical embodiment of their own proud, fierce, and exclusive temper. They loved the parallels which it afforded them in the day of oppression and bondage followed by that of victory and extermination; and though their faith bound them to the milder dispensation, their sympathies ever unconsciously fell back on those self-sufficient and tyrannical attributes which the principles of toleration have counted antagonistic to Christianity instead of fundamental to it. . . . The Hillmen, in their defects and in their virtues, which were not inconsiderable, presented the darkest colours of a peculiar character, which, through the influence of very unfortunate events, had eaten into the hue of the national character. Its stern duskiness is the more important, and worthy of notice in a historical view, as its hue, more or less decreasing in darkness, pervaded a large portion of Scotland, and has not even yet been totally expunged by sunshine or by rain.' (Vol. i. pp. 33. 55.)

Mr. Burton waives the question, how far the Presbyterian system would have been preferred by an absolute majority of the nation, but assumes that its supporters carried their point from being the most numerous and compact of those who entertained firm and ardent opinions on church government; the Episcopalians of the North being less resolute, the Cameronians in the western shires less united in their respective views. But the causes to which he ascribes the downfal of Prelacy were secular rather than spiritual. The bishops had, at an early stage of the troubles, by certain demonstrations of no great moment, and rather casual than preconcerted, given opportunity to their opponents to hold them up as partisans of the dethroned dynasty, and consequently as identified with the legitimist party who must at all hazards be crushed. Besides, a hierarchy was a costly ornament or incumbrance to so poor a country as Scotland, since the endowments by which, in the days of popery, it was maintained had been secularised. And while those lay impropriators, who held the old episcopal estates, felt that their tenure might be defeasible so long as there were bishops to reclaim them, not a few waiters upon Providence entertained hopes of similar windfals, should the revenues still allotted to the order be dispersed on its abolition.

If these views appear somewhat to impugn the purity of motive claimed for their policy by zealots of the covenant, Mr. Burton's acuteness has detected Erastian traits scarcely more

consistent with their lofty professions of ecclesiastical independence. Thus, the proclamation against owning the authority of King James, or questioning that of King William and Queen Mary, was ordained by Parliament to be read from every pulpit, the clergy being further enjoined to pray publicly for their Majesties; in either case neglect was to be punished by deprivation of their benefices, recusants being proceeded against before the Privy Council. Now although Erastianism — that bugbear of high Presbyterianism — may, like other party terms, possess a flexible meaning, it seems difficult to conceive a more direct interference by the civil power with ecclesiastical rights and jurisdictions than this act. But as the blow was directed against, and must chiefly reach, Jacobite Episcopalians, whose vacated benefices would pass to ministers of the party dominant in Church and State, we hear of no protests against the use of means so godless but so convenient. The truth is, that revolutionary settlements must be justified rather by estimating their general results, than by testing individual details, wherein the errors of human judgment and the inadequacy of human means often become strikingly apparent. Nor do such mistakes fail to bear fruit; and it was in a great measure owing to the antiprelatic measures of 1689, that the Episcopalians of Scotland continued, for the next sixty years, ready to mount the white cockade whenever Jacobite plotters or French intriguers found it desirable to make tools of them.

We cannot attempt to follow our author through various incidents of polemic conflict which he has occasion to narrate, and which have not only strongly marked the history of Scotland, but given an impress to her national character, that seems unlikely to wear out. One observation, with reference to the origin of the Secession movement in 1734, is however noticeable, not only as well founded, but as affording a key to recent events brought about under somewhat similar influences:—

'Dissent in England had generally been gentle, or at least humble; its adherents, conscious of the strength and splendour of the great establishment from which they departed, quietly seeking relief for tender consciences. In Scotland, every cluster separating itself from the establishment; and even, as we shall see, sub-separating itself from any considerable dissenting body; at once assumed the position of "The Church," became an ecclesiastical power, and passed sentence on the body from which it had separated, as heretical and schismatic. There was a reason for the distinction in the relative character of dissent in the two Churches. In England, it was not only that, in looking from the church to dissent, men of social rank and high scholarship were put in comparison with flighty attorneys' clerks, and

serious weavers who had got a call; but that the great establishment to which, with a mere scattering of exceptions, the main bulk of the nation was attached, kept to its old principles, while the dissenters struck out innovations. Hence, by a natural law of English feeling which abhors novelties, they were condemned to content themselves with the mere outskirts of the population. On the other hand, Scottish dissent always tended to preserve the old principles of the Church, whence the establishment, by the progress of enlightenment, as some said — by deterioration according to others — was lapsing. Looking at these distinctions, the conduct of Erskine and his brethren is natural. Day by day, though feeling more deeply that the establishment was lapsing from what they deemed fundamental principles, they were unwilling to separate themselves and make a stand; but once having done so, they set a century between themselves and the Church, driving themselves from all the laxities of modern days; and taking up their position as the old Covenanting Church of Charles I.'s day, they put on trial, from that high antique judgment-seat, the degenerate Scottish establishment, and condemned it. They remained in the establishment, not as loving and aiding it in the spirit which influenced it, but for the purpose of overcoming the evil spirit, and turning the policy of the body in the right direction. Failing in this, they resolved to go forth, and taking their place on the eminence where it ought to have stood, pronounce sentence against it. Thus the tone of those who had been receiving sympathy as the victims of clerical oppression began to be haughty and authoritative. It was not solely directed in argumentative hostility against those who had oppressed them, but in disdainful reproof to those who, sympathising with them, remained in connexion with the erring establishment.' (Vol. ii. pp. 328-330.)

The turn of Mr. Burton's mind is too practical, not to say utilitarian, to deal effectively with the more romantic incidents of domestic strife and dashing adventure, which his volumes include. Accordingly, in his hands, Dundee's brief but stirring campaign lacks interest, and thus he lets slip a seasonable opportunity of relieving those heavy details of party-jarrings and parliamentary squabbles from which escape was impossible. Nor can this deficiency be accounted for by entire want of sympathy with the character of that active partisan. On the contrary, the following portrait of Dundee will be regarded, even by warm admirers, as flattering in certain features, while the blemishes attaching to Claverhouse's reputation are somewhat thrown into shade: —

'The actual career of Dundee, without decoration, is an affluent fountain of romance. His handsomeness, his early historical career, his name associating him with the great Marquis of Montrose, his military capacity so great within its little sphere, the sad sympathy offered to those who throw their lot into a desperate cause, and the heroic glory of his death — all together make a true history of brighter

colours than many a romance. Solid truth could not go about with so many of the attributes of heroic fiction, without being insensibly mingled with that social circle, and enjoying some of its decorations. Many of the attributes of this hero-fiend are fabulous; but his era was so much later than that of the semi-mythic heroes with whom he is often associated, that we know a few vulgar truths about him, affording a correction of the fictitious glories.

'Tradition attributes to him many brilliantly epigrammatic speeches, to which his authentic writings give the lie, by showing that he had not sufficient command of grammar to have put his thoughts in the clear emphatic shape in which they are preserved, if he had ever formed them in his mind. It is said that he studied at St. Andrews, and knew something of mathematics; but any smattering of education he may have received was early rubbed out in the camp of the mercenary soldier. He was a younger son of a Scottish laird, and, according to a common usage in a country which could not exercise its energies near at hand without exercising the trading jealousies of its affluent and powerful neighbour, he was sent to serve abroad. He fought in the French service and in the Dutch — probably both were much alike to him,— until he rose high enough to see schemes of personal ambition over the shoulders of his comrades. These lairds' sons, from their habits of command, their hardy nurture, and the consciousness that, poor as they might be, they were still gentlemen, made valuable officers in the great European wars of the latter part of the 17th century. The last service in which young Graham was engaged before he returned to Britain was that of the Prince of Orange; and he is said to have left it because he was refused the command of a regiment. He was a man of much more far-seeing ambition than the generality of his order. He felt within himself capacities of a higher stamp and aspirations also; for though he belonged to the herd of mercenaries, his ambition, with all his defects, was of a higher order than that of the Dugald Dalgeties who contented themselves with the consciousness that they had much better pay, booty, liquor, and arms, than the pike-trailers under their command. He became a fanatic of the order he found himself in — the order of the cavalier who is devoted to his monarch and his monarch's allies, aristocratic and hierarchical. This fanaticism was that of the gentleman. It is not common perhaps to associate the reproachful term "fanatic" with a word so expressive of estimable social qualities as this word "gentleman;" but as there is no hesitation in applying it to religious opinions carried to excess, surely there can be no desecration in applying it to social qualities when they become offensively prurient.

'Graham's abilities evidently did not step beyond warfare. We have no means of deciding whether they were capacious enough for great military operations, but all can see that he executed the smallest affairs falling to his lot with consummate skill. He might have been, for all we know, a poor organiser of such campaigns as Marlborough's, and incapable of the anxious calculations in which the governor of one of the great Vaubian fortresses had daily to work.

One thing is certain, that his utter disregard of human life, his cruelty to his enemies, and his recklessness of the safety of his followers, would have prevented him from being a great British general, however largely he might have operated in the service of countries where there is less responsibility, and human life is of no account beside the military object to be attained. But, however he may have borne comparison with great leaders of European warfare, he had a genius for small partizan operations which laughed to scorn the drudges brought up in their pedantic school. When he saw them in isolated independent contests with enemies of a new kind, on unusual ground, and where both sides might be subject to influences totally different from those of the mercenary continental campaigner, still following the clockwork routine which long service had mechanically trained them to— he was too much of an original thinker to follow them. Whatever respect he might have had for the rules of accepted military discipline in armies where they were known and used, it was his merit that he rejected them when they were useless or offensive, and at once adapted his method of warfare to the men he had to lead. It is impossible to look at the portrait of the lively, haughty, imperious, handsome cavalier, beside that of his opponent, old Mackay of Scourie, without being reminded of the venerable pedantic authority so excellent in its accustomed place, and in the pursuit of its daily routine, but so liable to be overwhelmed in ruin when, in the moment of excitement and emergency, it meets with originality of conception and fierce reckless determination of purpose.

'But while he avoided the pedantry of an impracticable system of discipline, he was a vigilant general in studying the character of his troops, and knowing the elements both of their strength and weakness. For this end he indulged in a practice capable only of being turned to account in the hands of gifted commanders, and which was a peculiarity of Napoleon. He visited his posts at unexpected hours alone, and without the distinctions of rank. One of the inveterate peculiarities of his Highland army was the marauding propensity which, like every other habit of the men, took its course without reference to suitable conditions in the exigencies of the service, and he dealt with it as a necessary evil.

'To the regular trained officer, such an army as he commanded was as unstable and capricious as a giddy mob. If he did not study the peculiarities of the race, and of each individual clan, some untoward accident was ever occurring to vex his disciplinarian spirit, and make him suspect that the cause was ruined; and if he did not at once recognise and yield to the peculiarities as they occurred, a trifle might readily sacrifice the army or the cause,—for the Highland soldier's immediate cause was his leader and his clan. The succession to the Crown of Britain, or the preservation of the Constitution, were distant and secondary objects, to be sacrificed, without hesitation, to any question of precedent or etiquette. Even Dundee was but partially prepared for the intricate niceties of such a command, and fell into it gradually, under the guidance of his own sagacious observation, helped by the advice of old experienced leaders.' (Vol. i. pp. 98-102.)

The interest thus raised in the hero of Killiekrankie is but indifferently maintained throughout the narrative of his guerilla warfare, and of the battle which, by closing his life, rendered desperate the Stuart cause in Scotland for many an after year. Nor can we agree with Mr. Burton in an impression which he seems to countenance, that, but for the fatal bullet (or silver button) which appropriately closed his gallant career, Dundee might have undone the Revolution, and even restored the old dynasty. It were indeed useless now to speculate on possible results of hypothetical combinations, yet, if such be the true meaning of the following passage, we must entirely demur to any conclusion of the sort. With its appreciation of the value of Highland clans in regular campaigning we fully coincide, but the Jacobite cause was then beyond hope, even had better and more efficient implements than these been at its disposal.

'The first news of the victory [of Killiecrankie], as it startled and frightened the government in Edinburgh, sounded like a war trumpet through the Highlands. On the third day after it, there came to Blair Castle 500 of Lochiel's men, 200 under Stewart of Appin, 500 Macphersons and Macdonalds, with all the Atholl men, and a crowd of little groups from smaller clans. The headless army speedily swelled to 5000 men. If Dundee had lived, he would in a short time have led the largest army ever assembled within the boundary of the Grampians, and would have formed a centre for all the opponents of the Revolution throughout the island to rally round. The question of the Revolution, and the supremacy of the Stuarts, would have then lain between his fiery genius and the unwearying skill of his old master, King William. But there was now no hand with sufficient skill to adjust the subtle elements of the game. Had one of the Highland chiefs been fit for the command, his fellows would not have permitted him to hold it; the event might become a precedent, mediatising them under something like an imperial head. Nor did this capricious and supercilious body much relish an immediate submission to Colonel Cannon, merely because he was the next in military rank — a grade which they did not acknowledge. Nothing but a great man raised over their head, as Dundee was by acclamation, could have kept them a united force; and, with a grumble, they submitted to the less unpleasant of two alternatives.' (Vol. i. pp. 138-9.)

The massacre of Glencoe occupies a space due rather to the prominence that has been given to it by party motives than to its own importance. True, an ample case has been made out against the agents of Government, that some eight and thirty persons were slain in cold blood as contumacious rebels, several weeks after their chieftain's oath of allegiance had been freely tendered and accepted by the qualified authority; and that this slaughter had been perpetrated, under express orders, by king's troops quar-

tered in the valley with professions of peace, and received with Highland hospitality. But, on the other hand, however natural and just our indignation at such an event, its character as an outrage on humanity should fairly be tested by the standard of the seventeenth rather than the nineteenth century. In regard to the judgment passed on it by contemporaries, there seems no doubt that the Jacobites, in using it as a handle throughout Europe against the Revolutionary government, shut their eyes to analogous, if not extenuating, precedents, which might have been adduced from the policy long pursued by the Stuart sovereigns towards the Macgregors and other untamed septs of Celtic blood and lawless habits. Thus, William has been held responsible for the adoption, by his Scottish secretary, of a repressive measure not unusual in the North, though scarcely adapted to the standard of Anglican morality, even of that day. Indeed, that the Glencoe massacre was a special or exceptional case can scarcely be maintained, when, even after the use made of it by the Opposition, 'we find their chiefs who had ingratiated 'themselves with the Government obtaining, though not so 'readily as formerly, the writs known by the savage name of '"letters of fire and sword" against their enemies. These were 'licences for civil war, giving the sanction of Government aid 'and encouragement to one side in the conflict. They autho- 'rised the favoured clan to burn, waste, and slay far and wide 'within the territory of their enemies, setting forth "that '"whatever slaughter, mutilation, blood, fire, raising, or other '"violence" may be done by the persons holding these letters, 'shall be held "laudable, good, and warrantable service to his '"Majesty and his Government."'

'Indeed this turned out to be, in a political sense, a mismanaged affair. The slaughter was far less than it had been intended to be — the manner of it unfortunately conspicuous and dramatic. . . . Those who could lay the calamitous history at the door of an enemy had no occasion to exaggerate it. They required merely to authenticate what, in places where the previous history of the Highlands was unknown, at first passed for a wild and preposterous exaggeration. In England it made people hold their breath with wonder. In France it was received with indignant joy, and every scrap of information bearing on it was published by royal authority, and circulated over Europe as an event characteristic of the paternal government of the Revolution King. To those who had been charged with the cruel religious persecutions of the preceding reigns, it was of infinite value as a means of effective retaliation.' (Vol. i. p. 168.)

Like the slaughter of Glencoe, the Darien Expedition has an incidental importance as a symptom of that diseased condition

of the body-politic which called for a remedy in the legislative Union. From musty documents and forgotten pamphlets Mr. Burton has been able to place that affair in a somewhat new light. Instead of the wild and interested adventure of a few reckless speculators, it becomes, in his hands, an outbreak of patriotic zeal on the part of an entire people, smarting under injuries from a jealous neighbour, and bent upon rivalling her colonies without immediate reference to gain. It was a joint-stock company absorbing a nation's whole available capital, but free from the stain of jobbing in shares. It combined gigantic energy with childlike simplicity; the audacity of ignorance with the earnest purpose of staid wisdom. Intended at first as a vast mercantile combination of capitalists, in various countries, to compete with the great English monopolist companies, it obtained from Parliament powers dangerous to the State as well as unmanageable in unpractised hands. But these powers, being repudiated by the English Legislature, and ignored by the Crown, even before they were essayed, the merchants of London, and eventually those of Hamburgh, withdrew from responsibility, and the scheme seemed to be blighted in the bud. It was then that the enterprise, appealing to national support, became of national importance; and when the books were opened in Edinburgh, after it had been denounced by the English Parliament, the whole stock of 400,000*l.* was rapidly subscribed. 'None sought individual aggrandisement; but the 'Scots, with their characteristic fidelity in times of difficulty, 'threw their fortunes into the common lot, and were indi-'vidually to rise or fall with the nation.'

The objects for which this large capital was destined were twofold; to stimulate home manufactures, and to found colonies as consumers of the products. The first of these diffused an immediate semblance of prosperity, while the second attracted many stirring and adventurous spirits. Colonisation is a hazardous effort under the most favourable circumstances, and the Scotch emigrants had neither precedents nor experience to guide them. The selection by William Paterson, for their first plantation, of the great American isthmus, destined to become eventually a highway for the world's commerce,—was far-sighted yet unfortunate. The whole mainland there was subject to ill-defined claims of prior occupation by Spain, but had practically been for some time the haunt of desperate buccaneers. When the little Scotch flotilla took possession of Darien, with no title to show but the Act of an unacknowledged Parliament, it was difficult to distinguish them from the piratical hordes who swarmed in these seas, and to whose feats, some of their doings,

from blundering rather than intention, bore a suspicious resemblance. Finding themselves disclaimed by English diplomacy, they fell back upon their extraordinary legislative privileges, and as these extended to waging war on their own account, they thus virtually assumed the position of buccaneers. Epidemic disease and divided councils rendered them, however, an easy prey to the Spaniards, and two reinforcing expeditions shared a like fate. Only a small and disheartened remnant returned, to rouse the indignation of their countrymen against the English Government, whose opposition had proved fatal to this ill-judged adventure. 'The wrath of the nation deepened day 'by day as this lamentable history in its several stages reached 'home. If we go back to the fundamental ground of the 'national indignation, we find it to rest on nothing more noble 'than the loss of money by the failure of a joint-stock specula-'tion,—a vulgar sort of discontent with which the world is 'sufficiently familiar. But it was a loss accompanied by tyran-'nical and tragic incidents. More material still, it touched the 'sense of national independence, and was believed to be caused 'by the oppressive jealousy of a powerful nation, against whom 'the people of Scotland had fought for independence through 'centuries of contest. Such qualifications concentrated the 'scattered elements of pecuniary discontent into national and 'patriotic indignation' (vol. i. p. 326.), which ere long found vent in a formidable parliamentary opposition, and a fierce Edinburgh mob. In the complicated state of his continental relations, it would have been most imprudent for William to maintain the Darien Company in pretensions irreconcilable with all international law, apart from their interference with Anglican interests. But such considerations weighed not with his Scottish subjects, whose blood was fairly roused by the catastrophe of a wide-spread ruin, aggravated by English insults and royal apathy. The King accordingly fell back upon that plan, of resolving international jealousies by a fusion, which he had long entertained, but which it was left to his successor to carry out.

There is another view of the Darien Adventure, as demonstrating the moneyed capacity of Scotland at this period, under the excitement of a national effort. On the first day 50,000*l.* of the stock was subscribed in Edinburgh, and the 300,000*l.* originally assigned for home investment having been greedily taken up, another 100,000*l.* was allotted to it, but with difficulty disposed of. The quota required for Glasgow, already rising in commercial importance, was 56,000*l.* The holders included peers and landed proprietors, with a large proportion of the

liberal professions and mercantile classes. The highest subscriptions, for 3000*l.*, were those of the Duke of Hamilton, the patriotic Lord Belhaven, and Stewart of Grandtully. Highland chiefs, having neither ready cash nor taste for mercantile gains, are, with one exception, absent. Mr. Burton's analysis of the list is summed up by the remark, 'that at scarcely any 'other period since the commencement of civilisation could any 'such catalogue, necessarily containing the chief men of their 'day in Scotland, present so few names which belong to the 'republic of fame, or are known out of the arena of local and 'national history. . . . . False expectations and general mis-'management were conspicuous to the last,' and the entire paid up capital, amounting to nearly 220,000*l.*, may be considered as lost; a frightful sacrifice by a nation of narrow resources and still more limited wealth. But 'whatever follies 'of the sanguine, the ardent, and the ambitious, the Scots had 'committed, those who had committed them honestly abode the 'penalty; and however they had been treated by other nations, 'they retained the proud consciousness that not in their streets, 'or in their social circles, were to be seen men who had grossly 'plotted on public credulity, and fed the fire of excitement, that, 'in treacherous coolness, they might profit by the ruin it was 'bringing on.' (Vol. i. p. 299.) Accordingly, although vindicating and extending trade in rivalry with England was, during the next years, the hearty aim of all patriotic Scotsmen, so little were they animated by mere money-making motives, that when, in 1705, John Law brought forward his monetary schemes, which subsequently deluded and nearly beggared the people of France, Parliament coldly agreed, 'after reasoning and debate 'on a proposal for supplying the nation with money by a paper 'credit, that the forcing of any paper credit by an Act of Par-'liament was unfit for this nation.'

In the affairs of Glencoe and Darien the English Government and Legislature had sown the wind: they were now to reap the whirlwind. The Scots, proverbially poor and proud, had, in a unanimous effort for national amelioration, been fleeced of their money and outraged in their feelings. In revenge Queen Anne's new parliament at Edinburgh proved more headstrong and unmanageable than its predecessor; and although she and her ministers leant to milder terms and gentler measures, such policy was ill received south of the Tweed. The Commons of England pursued a domineering course, and the inopportune renewal, by a musty legal antiquary, of antiquated pretensions, based on forged charters, which asserted the original vassalage of the Scottish crown, incensed its subjects into fury. On the other

hand, several measures, hurried through the northern legislature, openly aimed at a separation of the crowns, and clearly tended to a reconstitution of the monarchy. England seemed bent upon giving, Scotland upon taking, offence. For the formidable and widening breach but one remedy offered ere a rupture was complete,—to fall back upon King William's proposal for an incorporating union of the countries. There were, however, manifold difficulties, which the tempers of both did not tend to diminish. The Jacobites of the North had little desire to palliate a discontent favourable to their eventual views: the national party, headed by Fletcher and Belhaven, having also ulterior schemes of a democratic, if not republican, tendency, aimed at only a federal union. But, from policy or sensitiveness, every Scotchman stood firm for perfect equality in trading privileges, a point on which the Commons of England obstinately backed their great monopolist companies. Finally, these obstacles resolved themselves with a facility that seems providential. Whether from patriotism or less creditable motives, many Scottish malcontents either supported the incorporating proposal, or absented themselves from the divisions. Even Lockhart of Carnwath, an agent of the Stuarts, who, to his surprise, found himself a Commissioner of the Union, offered neither opposition nor protest to its terms.

We cannot follow the history or details of the measure, which are clearly and succinctly set forth by Mr. Burton, while its difficulties are perhaps overestimated. We agree with him that trade jealousies have occasionally made the English people almost frantic, and that notions of parliamentary power and commercial aggrandisement were, at this crisis, peculiarly a fanaticism of their legislature. And he has made out his proposition that the menacing attitude of Scotland alone procured for her equality of terms in this and other respects. The conditions of union were settled by thirty-one commissioners from each kingdom, who met in London during fourteen continuous weeks, and performed their functions with creditable skill and temper. The point of most importance, after the principle of entire fusion had been adopted, related to the apportionment of imposts and of parliamentary representation. The former was dexterously adjusted by a cash payment of nearly 400,000*l.* to the poorer country, under the name of an Equivalent. The latter does not appear to have been fixed on any data, either of population or revenue. An offer by England of thirty-eight Commons' members was met by a demand for fifty, and finally compromised at forty-five, being nearly one-twelfth of the united House, and the same proportion was taken for the Lords. The

Darien Company was dissolved, its stockholders being compensated in full out of the equivalent.

Such were the terms of the Union as agreed to by the Commissioners. Of their justice and expediency Mr. Burton is a decided advocate: so he labours to show that the outcry with which they were received is no real evidence of their unpopularity; at all events, that it was got up by Jacobite intriguers, not a voluntary effervescence of wide-spread dissatisfaction, as has been generally represented. And bearing in mind the importance to that faction of defeating every such measure,—considering also the multiplied denunciations of its provisions in virulent pamphlets,—it appears improbable that any strong public feeling on the subject could have existed without leading to some violent explosion. On the other hand, it seems clear that the entire fusion was startling to many, who expected little beyond an enjoyment of trading privileges hitherto in the hands of their southern neighbours; and that on others, who felt they were incurring sacrifices of national dignity, without being able clearly to foresee contingent benefits, the earnest and thrilling appeals of a Belhaven could hardly fail to operate.

The treaty had still to undergo an approval of the two legislatures, but the incidents of its passing through that ordeal were unimportant. The fierce opposition threatened in the North gradually fell away, its leaders being either lukewarm or unsupported by public opinion. A few minor amendments were frankly accepted by the English, whose liberality, especially in the Darien matter, had the best effect, not only in conciliating many a suffering shareholder, but as the foretaste of a generous spirit in future transactions. And it could not but be consolatory to the expiring legislature to find that the Act of Union was passed by them in its integrity, exactly as it had left their own house.

The allegations current at the time, and not yet formally discredited, of extensive corruption among public men in Scotland, in order to carry through the Union, do not bear Mr. Burton's sifting examination, and will in future probably find few supporters. It would, perhaps, be more difficult to meet a charge of moral cowardice on the part of those who, denouncing the bargain as a losing one, might possibly, by a firm and temperate use of their votes while it was before Parliament, have obtained farther concessions from the more powerful party, bent as she was on a prompt and permanent remedy for a growing evil, and able to give way more freely on points of punctilio or interest.

Looking to the Union Treaty alone, we feel little disposed to

quarrel with Mr. Burton's approval of its conditions, but when tested by their results, it seems beyond question that Scotland did not attain the stipulated equality. That she was placed abstractedly in a more favourable position by the fusion is clear, but it was very long ere she enjoyed its practical benefit. The irritation against her caused by the Darien Expedition left its traces, and her treatment was rather that of a foster sister than a favoured helpmate. The immediate and palpable loss which she sustained by the removal of her Parliament was compensated by no perceptible advantage; on the contrary, many imposts were suddenly increased, and the inroad of a staff of English revenue officers, wedded to forms and usages foreign to their habits, naturally became odious to her people. Nor was the abolition of her Privy Council, the introduction of an appeal from the Court of Session to the House of Peers, or the extension to the 'ancient kingdom' of English treason laws and commissions of the peace, in technical language unintelligible beyond the Tweed, looked upon otherwise than as the commencement of a systematic abolition of all her most cherished juridical institutions. So, too, in matters ecclesiastical, the Acts tolerating episcopacy, altering the security oath into one of abjuration, and restoring patronage, seemed each, in form and substance, to innovate upon the Union guarantees given to her national church. From the great expense attending their attendance, many of her representatives were absentees from the united legislature, or, when present, took little part in proceedings conducted under forms new to them and little understood. Indeed, their own homely habits, rude tongue, and restricted information had no conciliatory tendency. Small as was their number, if combined as a national party, they might have acquired importance, and ultimately commanded respect for themselves as well as advantage for their country. But such tactics being rarely adopted, Scotland's interests were virtually unrepresented. Again, the equalisation of trading privileges entirely failed to bring that expansion of commercial activity which had been long and ardently anticipated. The old burghs became more stagnant than ever, and though individual Scotchmen made their way to England and the colonies, where, by prudence and persevering sagacity, they generally succeeded to a remarkable degree,—such instances only increased the jealousy and added pungency to the sneers of their Anglo-Saxon competitors. Pre-existing discontents were thus to some extent sharpened by disappointment, and the minds of the more impressionable were prepared for those Jacobite intrigues which it had been a main object of the Union finally to defeat.

There was, however, a more enduring evil attending the arrangement. 'Many of the calamities following on the Union 'had much encouragement, if they did not spring from that 'haughty English nature which would not condescend to sym-'pathise in, or even know, the peculiarities of their new fellow-'countrymen, . . . and which prevailed in quarters where a 'more enlightened sense of political duty ought to have been 'found. This proud peculiarity of the English temper cast its 'early shadow on the prosperity of the united realm, and was 'only too well met by the irritable and haughty spirit of the 'poorer country.' (Vol i. pp. 522-4.) Accordingly, 'the per-'vading historical character of the events immediately following 'the Union is, that English statesmen, had they desired to 'alienate Scotland, and create a premature revulsion against the 'Union, could not have pursued a course better adapted to such 'an end. The position of the countries demanded a delicate 'and cautious policy. Scotland had to go through the imme-'diate perceptible evils of a departed nationality, a decaying 'retail trade and increased taxation, — the countervailing bene-'fits from extended enterprise lay in the future. A paternal 'government would, on such an occasion, have carefully avoided 'everything that irritated national pride or prejudices, and 'seemed, however slightly, to sacrifice the interests or the in-'dependence of the one country to the other. . . . But in 'almost every one of the changes just enumerated, the offensive 'act was offensively done, and the country was ever reminded 'that she was in the hands of ungenial and uninterested, if not 'hostile strangers.' (Vol. ii. pp. 80, 81.) Nor were these disgusts long in reaching a head. In 1712, a Bill for dissolving the Union was supported in the House of Lords by statesmen who had keenly forwarded that measure, and, after equally dividing the Peers, was thrown out by the narrow majority of three on the proxies, — a serious warning which unfortunately had but little effect on the British Government.

The provocations were in many cases palpable and wanton, to be accounted for, though in no way excused, by bigotry of the English to their own ways, and wilful ignorance of the habits of others. But, to impose suddenly on a poor country taxation long borne by a rich one, is a problem in state-craft scarcely more easy or promising than that of extending the blessings of constitutional freedom to communities in no way prepared to use or enjoy them. It cannot, therefore, be matter of surprise that this should have been wrought out in Scotland at a cost of many evils. Suffering under a practical injustice from which there was no appeal, the nation took the remedy into their own hands,

To evade the obnoxious imposts by fraud or force became the expedient authorised by public opinion. Smuggling was openly professed, and men of every class shared its adventures, or connived at a trade in whose fruits they tacitly participated. It became a boast to defraud a government which carried with it neither the respect nor good will of its subjects. Thus was introduced a practice which, while recognised as a phasis of patriotism, was derogatory to all principle, and which long left a blighting influence on the northern districts of the island. It had the demoralising tendencies as well as the attraction of gambling, fostering idleness, promoting perjury, and incurring bloodshed. And its evils were all the more deep set that they often took the character of international strife. They attained a climax when an infuriated Edinburgh mob executed Lynch law upon Porteous, in 1736, and the subsequent proceedings by Parliament produced an irritation which was not forgotten when, nine years later, Charles Edward Stuart raised his father's banner in Scotland.

How far the Treaty of Union continues to be fairly observed in its spirit, or whether it has been gradually infringed in the letter, are questions again brought freely into discussion. It is alleged that the progress of imperial centralisation, or a niggardly parsimony, has absorbed many Scottish establishments which were reserved at the Union; that the business of that country is consequently neglected, or systematically overlooked in Parliament and the government offices, where her laws, institutions, local peculiarities and interests are ill understood and inadequately represented: that this neglect is felt to be the greater grievance, as no such centralisation has been extended to Ireland, where the English laws and church are established, and where consequently a separate bureaucracy is less required than in Scotland, a country in which these are not acknowledged: that the amount of public money dispensed in the latter for charities, education, national defences, and other local or imperial purposes is trifling and inadequate, compared with the sums allowed to England, Ireland, and the colonies for the same objects: that the position of Scotland is for these reasons altogether anomalous, deprived of her national institutions and privileges, yet excluded from an equal participation in those of the empire. Upon the wide field thus opened we cannot here enter, but we may hope that such complaints will be satisfactorily disposed of or remedied, before appeals to the old spirit of Scotland shall have fostered a general discontent.

In regard to the rebellions of 1715-45, little that is new will be found in these volumes, and it was neither consistent with

the author's temperament nor political prepossessions to impart to such outbreaks that charm of romantic interest with which tradition and Scottish minstrelsy have partially surrounded them. Their causes, progress, and incidents are, however, fairly and lucidly stated, and it can scarcely be denied that the more closely the intrigues are examined of those men who, generally from a safe distance, directed the movements of the Stuart adherents in Britain, the less will sympathy be extended to their persons or cause. But first as to the motives of the clansmen:—

'Though the Stuart kings carried on a war of extermination with the Highlanders, the descendants of the victims became their most loyal supporters, just because the change of position from the throne to exile inverted the relation of the two parties. Whoever desired, with the sword, to disturb or overturn a fixed government, was sure of the aid of the chiefs, because a settled government was ruinous to their power, and almost inimical to their existence. The more it cultivated the arts of peace, and throve on industrially-created well-being, the more did it drive into an antagonist position a people who did not change their nature, who made no industrial progress, and who lived by the swords which acquired for them the fruits of other men's industry. With their interests, a peaceful strong government was as inconsistent as a well-guarded sheepfold with the interest of wolves — the name by which, in the old exterminating edicts of the kings of Scotland, they were often called. If the chiefs had got their choice, they would rather have had back the old ferocity of the Stuarts, hunting them with fire and sword, but destitute of steady, orderly strength, than a firm government, keeping their predatory propensities in restraint.' (Vol. i. pp. 105-6.)

This judgment will, in many quarters, be considered severe, and assuredly its author seldom manifests favour for the Celtic element of his history. To the Lowland leaders, however, whether led away by romance or enthralled by theories of divine right, he imputes less interested motives.

The various Jacobite insurrections, at all events their temporary success, were in a great measure owing to the habitual but unaccountable want of preparation by the Government to prevent or resist them. Thus, in 1708, through the treachery of several Jacobite agents, every movement of the French invading expedition had been watched for months. Yet the fleet was not intercepted, and had all but completed a descent of 4000 men upon Scotland, where there were only some 1600 ill-organised troops of all arms to receive them. So too, six years later, the first legislation of King George's reign was directed against the Pretender: but, though the disposable forces in the island did not then exceed 8000 men, nearly a year elapsed

before means were taken to augment them; and, although Scotland had elements of discontent apart from disloyalty, no portion of the new levies crossed the Tweed; consequently, Inverness Castle, the only stronghold in the disaffected Highlands, being found unoccupied, was garrisoned by the rebels after the Stuart standard had been raised in Bræmar.

The Jacobite cause had few promising ingredients in 1715. There was no unity of discontent with the revolution settlement, nor sufficient attachment to the fallen dynasty to form the basis of a national feeling. The allegiance of the Highland clans being paid to their respective chiefs rather than to the sovereign, it had little preference for Guelph or Stuart, and although the results of the Union weighed upon the Lowland prosperity, and everywhere occasioned disgusts to the Presbyterian as well as the Episcopalian bodies, it was difficult to bring elements so discordant into common action. A Montrose or a Dundee might, through the resources of superior genius or tact, crowned by a few brilliant successes, have mastered these obstacles; possibly the presence of a royal claimant, backing hereditary pretensions with the charm of personal popularity, would have blended many motives into one engrossing enthusiasm. But with Mar for a leader, whose base aims were apparent, and were redeemed by no energy nor administrative talent; with a prince whose tardy presence only proved him devoid of almost every winning or estimable quality; and with allies selfish and sluggish, as the French monarchs invariably showed themselves in the Jacobite cause,—the struggle had no chance of success, beyond what was offered by the neglect and supineness of Government. As was natural in an expedition so conducted, the inefficiency of its heads extended to their subordinate officers. Mar, with a force far exceeding that prepared to oppose him, having done no more than occupy Perth, empowered one Forster, a Northumbrian squire, to command the numerous body of malcontents who, in October, had gathered on the English border. It would not have been difficult, by well-combined tactics vigorously carried out, to defeat the little army with which Argyle then held Stirling as the key of central Scotland, and so to concentrate the whole rebel forces. But Forster selfishly sought to retain a separate command for which he was singularly ill-qualified, and history scarcely offers an instance of incapacity so absolute as he showed in it, until reduced by his want of foresight, at Preston, to surrender at discretion. The simultaneous loss by the insurgents, of Inverness Castle and the battle of Sheriff-muir,—the former without a blow, the latter a virtual discomfiture vainly claimed as a victory,— seemed to leave them no alternative but

the prompt abandonment of their ill-advised attempt. Ere long, however, the arrival of the Pretender gave matters for the moment a new aspect. But his landing without men, arms, or money occasioned a chill of disappointment which his personal appearance and conduct were ill-fitted to efface. It seemed rather his anxiety to wear a crown at the mockery of a coronation than to win it from one already in possession. But ere the day for that ill-timed ceremonial had arrived, Argyle was on his march with a tardily reinforced army. The rebels, brave in the mass, had not a man willing or able to lead them to a conflict where desperation must have made them formidable. With rarely paralleled baseness, Mar, after wantonly laying waste a wide extent of country he dared not defend, fell back upon the coast, to skulk away with his feeble master in a French vessel, leaving their victims to shift for themselves. The commonalty dispersed to the hills, and a large proportion of those of consideration contrived to make their way to the Continent.

The light thrown by Mr. Burton upon the motives of most Scottish politicians of this age entitles us to look upon their conduct with suspicion, and without sympathy upon their reverses. But it is otherwise with many devoted men who followed their policy even to rebellion. At a time when public opinion had no organs, the Jacobite chieftains and country gentlemen naturally presumed that the sentiments of those among whom they chiefly lived were the convictions of the country at large. That its government had been for twenty-six years conducted under totally antagonistic principles carried no proof to men, some of whom could look back to the enthusiastic and apparently unanimous restoration of Charles II., after a long exile, while all of them based their faith and hope on a similar issue to what they regarded as another cycle of temporary rebellion. Nor was this the only claim upon forbearance which the subordinate actors might reasonably plead.

'In the insurrection just ended, indeed, many of the followers were innocent of true rebellion. They were obedient to the Government which they saw established, for during several months Scotland north of the Forth was under the rule of Mar. In many instances those who were nominally rebels had been pressed into the service by the virtually existing Government.'

'. . . A large number, found guilty, were distributed among the Lancashire towns for execution; and the public mind was brutalised by scenes too closely analogous, in their external character at least, to Jeffrey's campaign. It is painful to see on the lists the many Highland names followed with the word labourer, indicating that they belonged to the humblest class. Too implicit allegiance had been the weakness, instead of rebellion being the crime, of these

men, and in many instances they had been forced into the service for which they were punished as absolutely as the French conscript or the British pressed seaman.' (Vol. ii. pp. 209-11.)

The results of this rebellion were far from satisfactory, as it only irritated the statesmen of England, whom it ought to have warned. They equally neglected the policy of conciliation and of efficient repression. They removed no grievances, but maintained no adequate garrisons. The disarming of 1745 brought in many useless weapons, yet left abundance of good ones. General Wade's road-making was indeed an excellent basis for further remedial measures, but these did not follow. The idea of placing the extensive estates forfeited by the rebels in the hands of a great association of capitalists was a promising one, ill followed out; and the York Buildings' Company gave occasion to endless litigation without introducing signal improvements. Of all Scotland, Glasgow alone exhibited a gradual progress, and was consequently exempt from Jacobitism. The country at large remained sulky, under what was simply a policy of neglect. The intrigues emanating from the Muti palace at Rome were probably not altogether unknown at St. James's; but their more busy spirits had died or dropped out of view, and the reputation gained by the Pretender in 1715 was little calculated to render his capacity or his influence formidable.

A new and unforeseen element of mischief was, however, about to appear. The young Prince, almost without his father's knowledge, certainly without his sanction, suddenly and secretly embarked in an adventure for the recovery of his alleged birthright, which, in its origin, progress, and *quasi* success, might compare with the deeds of paladins, or the dreams of poets. As usual, the French succours failed on which he had relied, and he threw himself on the shores of Scotland with little to trust to but the cause which he looked on as one of right divine. His confidence in it outweighed the discouragement of those more prudent friends whom he first encountered, and his winning manners completed their conversion. Again was Government surprised, and Scotland bare of troops. From its supineness, and the incapacity of all its officers in the field, rather than from any outbreak of fervent devotion among the clans, Charles Edward was soon at the head of an army, and installed in the capital and palace of his ancestors. In all respects he was a favourable contrast with what his father had shown himself thirty years before. His gallant bearing and genial temperament won golden opinions even from enemies. His manifestoes were dexterously supplied with some leaven of constitutional

professions. Nor was the effort altogether ill-timed. 'The 'generally backward state of Scotland had made the people 'desponding, discontented, and far more susceptible to factious 'inducements than their neighbours in England.' On the other hand, 'the causes of national disgust which made some zealous 'for a Stuart restoration were sufficient to render others indif- 'ferent. The old fervour with which the Presbyterians fought 'in the cause of covenanted righteousness was gone. . . . 'They were lukewarm, while their adversaries were in earnest, 'and so the tide of insurrection rolled over them unchecked.' (Vol. ii. pp. 391. 419.) Thus, while the impulsive clansmen were flattered by seeing their garb for the first time adopted by royalty, the more cautious lowlanders were not sorry to place the winning qualities of the young Adventurer in contrast with the many slights and accumulated heart-burnings they owed to the Hanoverian dynasty.

The rebels reached Derby almost unopposed; and London appeared to owe its safety rather to their being scared at their own success, than to any strenuous resistance offered them. But from the time the Border had been crossed, the character of the contest was changed. Though in justly disaffected Scotland many were ripe for a rising, the question in England was not merely one of Guelph or Stuart. A party of order had gradually arisen, who were in no way disposed to see the fruits of their industry or invested capital perilled for the sake of dynastic changes, still less to risk the constitution under which that capital had been accumulated. Even those who opposed the Ministry, or bore little favour to the Hanoverian family, had no desire for a revolution. Thus Mr. Burton's distinction between the Jacobites of England and of Scotland becomes apparent. The former were a parliamentary opposition, the latter a national party: the one spoke daggers, the other drew claymores. The English Tories had used the Pretender as a bugbear for their own ends, but his bodily presence at the head of a victorious army alarmed them almost as much as it did the Whigs; so from that time they dismissed the Stuart tool as too perilous a weapon of party warfare.

And then the reaction set in, slow but certain. The French troops, which, if landed on the southern coast while the Highlanders overawed the Midland counties, would probably have frightened London from its propriety, were kept back until the cause was on the wane. To an army like that of the insurgents the retreat was necessarily trying; but it was creditably effected by Lord George Murray's alacrity and judgment. The rally made by the Prince in Scotland was quite temporary; and, as

the impetuous bravery of his mountaineers had not, during their many successive months of warfare, been tamed down to cautious tactics, it was but a question of time how soon they must yield to a disciplined army, sufficient in numbers and well led. This they encountered at Culloden, and were finally broken. Dire martial execution was dealt over all the land by the inexorable Duke of Cumberland, while 'the Government, which 'had so signally neglected to protect the country from insur-'rection, visited those who had disturbed it with a sweeping 'and effective blow.'

One of the least deplorable consequences of civil commotions is that energy and talent then rise to the surging surface; but during the Jacobite rebellions, although a few small popular heroes appeared, no man of mark emerged from the mass. So long as Charles Edward was carried along by the advancing tide of his fortunes, a lustre surrounded him, which was ill-sustained under adverse circumstances.' Lord George Murray, the best of his advisers, though a sensible man and steady soldier, gained no glory in a cause he does not seem to have embraced very heartily. On the side of Government, President Forbes (of whom Mr. Burton has formerly given us an interesting life) alone rises above mediocrity; yet his good services scarcely earned him support or gratitude. But the reputation of Scotland was elevated by struggles wherein individuals reaped no renown. The loyal adherence of her people to a losing cause, and their noble scorn of the tempting price put on the Prince's head, while, during five long months of wandering and privation, his secret was widely entrusted to the poorest of the population, justly gained the admiration and sympathy of Europe. The exiles carried into many countries favourable accounts of a cause which already united the suffrages of all Roman Catholics to those of England's ill-wishers. While this was the case abroad, similar feelings were matured at home, and insensibly penetrated even among those most adverse to Stuart pretensions. From the time these were finally overthrown, the Prince

'became a sort of idol of the imagination, with those whose politics and religion would have compelled them to vote against him, had the question of his succession to the Crown been a matter of deliberative adjustment. . . . An ideal Jacobitism was created, counting many votaries who had no desire to see the Court of the Stuarts restored to Britain. The devotion of the true old Jacobite families was, however, of a totally different calibre — it was more a religion than a policy — it entered so strongly into their feelings, that their descendants have inherited it as a tone of thought, after all the material elements of a Jacobite cause have long departed. The idolatry was

shown in the usual form of relic worship. The enshrined object might be a piece of a shoe that the Prince had worn in his wanderings; a shred from his plaid; a book that he had read. If things so nearly associated with the sacred person could not be obtained, then a chip from the boat in which he had been conveyed to the Isle of Skye, a stone from the cave in which he had hidden, must suffice. It was among a select few only that such memorials, even the more indirect kind, could be distributed; but those who possessed no such precious morsel could record, in some family register intended for their posterity, the fact of their having, at such a given place and time, touched a piece of the sanctified vestment that had shielded the sacred person of the wanderer.' (Vol. ii. pp. 418-20.)

When vengeance had been sated, the Ministry at length awoke to the necessity of prevention. An effectual disarming, and the extinction of military tenure of lands, were accompanied by the abolition of hereditary jurisdictions, and the substitution of suitable local tribunals;—most important steps towards establishing the equality of all men before the law. Full justice for Scotland was, however, not to be had from legislation alone; a new generation must first arise exempt from antipathies of ancient date. It is sad to find such prejudices rather confirmed than combated by standard writers of last century, while travellers like Dr. Johnson were studiously deepening their sombre hue. But literature has since made ample amends. The lyrics of Burns, the poetry and fiction of Scott, have depicted the history and legends, the scenery and manners, of their native land, in colours of undying beauty and unfading interest. The national progress, beginning after the American war, has advanced with unexampled speed during this century, and strangers now visiting the mountain-land known to them by these pictures, are unconscious of any but provincial distinctions between Saxon and Celt.

In dealing with the vexed question of Highland costumes, Mr. Burton takes no pains to conceal his leaning to views which modern tailors would denounce as heterodox. Rejecting the authority of certain recent costly folios and apocryphal manuscripts, wherein a specific modification of tartan and a badge of native vegetation are assigned to each Celtic patronymic, and also to sundry Norman names of Caledonian location, he appeals to monuments and prints, as well as to various incidental passages from authors describing what they must themselves have seen in the last two hundred and fifty years. Fully admitting 'that the state of our knowledge on this curious little subject is 'very unsatisfactory,' he points at certain conclusions, negative and positive, which may thus be summed up. No trace of the Highland dress, as now understood, is to be found among the

parent Celtic tribes of Ireland, nor on the tombstones of Iona and other early monuments, where knightly accoutrements are generally prevalent, nor in any known family portraits of or prior to the reign of Charles I. Indeed, John Major's Latin history speaks of the ordinary attire being a saffron shirt (like the Irish), and a *chlamys* or cloak; while in battle the chiefs wore chain-armour, the commonalty a well-stitched and pitched linen garment, surmounted by one of deer-skin.

On the other hand, we gather from the evidence adduced, 'the unquestionable fact that—from the middle of the seven-'teenth to the middle of the eighteenth century—the inhabi-'tants wore a garb, peculiar both in colour and form, which 'was so entirely national to them that all ranks wore it, with 'peculiarities to adjust it to their grades in life.' (Vol. i. p. 374.) Assuming with our author, that in a barbarous wool-growing country a large blanket would be the simplest and most convenient article for clothing by day or night, and that gaudy colours are the natural taste of a lower civilisation, we arrive at a conjectural origin for the Celtic garb in its earliest development. Neither is it difficult to conceive that a general predilection for party-tinted raiment should display itself under dispositions greatly varied, but uniform in adjacent localities, just as the costumes of Switzerland or Calabria change in each successive canton or village. If this be conceded, it becomes clear enough how the tartan of Skye or the Lewis, differing from that of Mull or the Mainland, should come gradually to distinguish the Macdonalds, Mackenzies, Macleans, and other clans. But that 'the rigid division into clan-checks, now attributed to 'the tartan, could have existed and remained unnoticed' by all authors during successive generations, seems incredible. So much for clan-tartans. As to the kilt,—that other much-debated item in 'the garb of old Gaul,'—it would appear to have originated in a peculiar arrangement of the primarily vast plaid 'wrapped round the thighs, heavily adjusted in plaits, and 'secured to its position by a belt.' This 'belted plaid' is said to have been converted into its modern substitute by an army tailor of General Wade, who, by a stroke of genius severing the plaits from the rest of that primitive loose cloth, produced a kilt and plaid as now worn.

But, though thus demurring to the antiquity of the Highland costume as permitted in our drawing-rooms (and which in truth varies in its details from year to year more than any other dress), Mr. Burton's researches supply us with some data how the mountaineers really did clothe themselves. Taylor, the water-poet, attended a great hunting-party at Braemar in 1618,

where (as in the present day) 'many of the nobility and gentry 'of the kingdom, for their pleasure coming into these Highland 'countries to hunt, do conforme themselves to the habits of 'the Highlandmen.' The habits so worn are described as a plaid on their shoulders, a jerkin, short hose with garters of straw, shoes of a single sole, a necktie, and a flat blue cap. The jerkin, hose, and plaid were of 'a warm stuff of divers colours, 'which they called tartane,' the plaid being much the finest in quality; 'as to breeches, many of them, nor their forefathers, 'never wore any;' yet we hear nothing of how the *hiatus* was supplied, even John Major's saffron shirt being apparently then exploded. Although this passage seems adverse to a belief in kilts, it is still more fatal to the rival doctrine of trews; and Martin, who wrote a century later, makes no mention of either, though bearing out the care bestowed upon check-patterns, and their adoption as a sort of uniform in various localities. Those, however, who, with the late Sir John Sinclair, maintain *trews* to have been the veritable national envelopment of the Caledonian's nether man, may appeal to Defoe's 'Journey through 'Scotland' (1723), where the Highland gentlemen at Crieff fair are described as 'dressed in their short-slashed waistcoats, a 'trowsing (which is breeches and stockings of one piece of striped 'stuff), with a plaid for a cloak, and a blue bonnet. They have 'a ponyard knife and fork in one sheath, hanging at one side of 'their belt, their pistol at the other, and their snuff-mill before, 'with a great broadsword by their side.' Yet, as we find in the very next sentence, that 'their attendance were very numerous, 'all in belted plaids, girt like woman's petticoats down to the 'knee,—their thighs and half of their leg all bare,' we must take leave of the kilt controversy, acknowledging, with Mr. Burton, the 'absence of all distinct knowledge on the subject.'

Mr. Burton's pictures, though uniformly executed in sober tone, without aiming at the florid graces sometimes lavished upon historical canvasses, and, although occasionally wanting in careful finish, are fair representations of the topics he takes in hand, the result of faithful study and research into their real bearings. We doubt, however, whether he has chosen the most favourable point of view for his subject. He narrates, for the first time continuously, the series of events and party combinations in Scotland during the period embraced by his volumes, but these, with, perhaps, only one exception, formed but the byeplay of the great national drama, and, as such, were already familiar to us in their general features. That exception is, the rising of 1745, a subject already exhausted, and regarding which Mr. Robert Chambers and Lord Mahon have left us little to de-

sire. To us it seems, that the real interest of Scotland's history, from the time her fortunes became irretrievably linked, though for long not identified, with those of her more favoured sister, lies elsewhere. Although to many of her ardent children the benefits of that union seemed tardy, it is now clear that in no country of Europe has the advance of civilisation and material prosperity been equally rapid during the last century and a half. Many circumstances had served to retard it, so long as her independence subsisted. The faults of her political and the peculiarities of her social condition counteracted the benefit of laws systematically good, and misdirected the *perfervidum ingenium* of her sons. Regarding her only neighbour as a natural foe, her insulated and distant position severed her from the genial contact of continental refinement. From France alone she drew a few happier influences, which softened the stern features of her character. These were alienated by the union of the crowns, and it was long ere she regained from England what she had owed to France. By the former she was treated rather as a foundling than an adopted sister. Accordingly, during the century which preceded the Revolution, she had lost her independence, her court, and much of her trade, without any compensation for such sacrifices. Thus the change of dynasty found her prosperity at the lowest ebb, and, compared with that of England, in a state of seemingly hopeless stagnation.

At the end of a hundred and sixty years she has overtaken her helpmate, and yields to no country in the diffusion of enterprise and intelligence, the stability of her institutions, the well-being of her community. The causes and means of this unprecedented development may in part be seen in the volumes before us, or gathered from histories of the British empire. But a transition so marked in its results has never yet been traced in its advance, and we know of no one to whom the task would be more easy or congenial than Mr. Burton. Scotland's progress in industry and energy, in wealth and credit; the expansion of commercial activity and agricultural improvement; the rise of associations calculated to supply capital, to economise resources, to organise labour, to direct benevolence, to improve education, to foster genius, and to stimulate talent; the effect of these upon moral training and personal habits, and their reflected influence upon the domestic manners, customs, temperament, and social standard of the community;—these, and many similar topics, open a wide field of inquiry, fertile in varied interest, and not unproductive of important fruits. The history of a nation's civilisation and refinement is scarcely less curious than the growth of political institutions, or the fate of

party struggles, and is calculated to attach a far wider sympathy. The landed gentry of Scotland before the Union lived in fortalices, compared with which the present houses of tenant-farmers on their estates are luxurious dwellings. Peers and chieftains, of countless acres and powerful clans, inhabited, not a century ago, flats in the Canongate or Cowgate of Edinburgh, destitute of all that we deem comfort or decency in home arrangements, and now tenanted by a squalid population of Irish paupers. Domestic architecture being no bad test of civilisation, we may fairly estimate from these instances the immense changes which such an inquiry would unfold. The data are slight and scattered, but Mr. Burton, who cannot fail to have already discovered many of their sources, possesses the industry and intelligence requisite to turn them to excellent account. Meanwhile the few glimpses afforded by his twenty-first and twenty-fourth chapters—of the condition and intellectual resources of his country in the earlier half of last century—can scarcely be considered adequate or satisfactory.

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ART. VI.—*Speeches by the Right Honourable T. B. Macaulay, M.P., corrected by himself.* 8vo. London. 1854.

IF the reader be one who can be reconciled by happy issues to an act of wrong-doing, he may perhaps look indulgently on the 'unauthorised publication' of Mr. Macaulay's speeches, since it has compelled that gentleman, much against his will, to issue this remarkable volume.

Before speaking of its merits, however, we must be permitted to say a little on the circumstances which have extorted it. That little would be still less, were it not that we wish on public grounds to avail ourselves of the unpleasant topic. We would suggest to some of our legislators the desirableness of at least *discussing* the possibility of bringing the law, in relation to a certain class of publications, into stricter conformity with equity and common sense.

That Mr. Vizetelly, in collecting and publishing Mr. Macaulay's speeches, not only without his consent, but in defiance of his wishes, technically violated no law, is admitted; and this is his plea.

The answer is, first, that the law permits us to do many things which we ought not to permit ourselves to do; things which good feeling, and a proper sense of what is due to the equitable claims of others, forbids as imperatively as any law.

And, secondly, that the plea in question is of no avail in

palliation of that special offence in the *manner* of doing the thing which so naturally and justly moved Mr. Macaulay's indignation. Mr. Vizetelly advertised the speeches as about to be issued '*by special licence* from the revised* reports published in 'Hansard's Parliamentary Debates.' Whatever was designed by the expression, it could have but one interpretation among ninety-nine readers out of every hundred; namely, that the publication was to be issued with Mr. Macaulay's consent and sanction. It had precisely that effect upon ourselves. We were surprised, certainly; because it happened to consist with our knowledge, that some years ago, Mr. Macaulay, in reply to a question whether he had any intention of collecting and publishing his parliamentary speeches, disclaimed, in the most energetic terms, all such intention. We thought, on reading the advertisement, that importunity had prevailed on him to revise his decision, and to do what we could not doubt, from his language, he was extremely reluctant to see done.

Mr. Vizetelly says, that he meant by 'special licence,' the 'special licence' of the proprietors of Hansard. Then it is a thousand pities that he did not say so; for in that case, the 'special licence' would have been seen to be very innocent, and no one would have been deceived. Hansard himself only publishes the speeches of members by connivance, and in defiance of a very properly obsolete law; can he give any authority to any one to do the like? Can he claim exclusive copyright in that of which the law does not recognise even the existence? Any one has just as much right to publish the proceedings in Parliament as himself, that is, legally, no one has any right at all; and by custom and prescription, everybody has. The advertisement, therefore, could not but have all the *appearance* of fraud; and we repeat that we cannot wonder at the indignation of Mr. Macaulay when he saw it.

Mr. Vizetelly states that he applied to the Marquis of

* It is not a little amusing to find that only *nine* of the speeches were ever revised by Mr. Macaulay at all. The unauthorised edition unaccountably omits altogether several of the most remarkable speeches Mr. Macaulay ever delivered, and which exist in a form not more tattered certainly than very many it includes. Among the omitted speeches are that on 'Jewish Disabilities' (April, 1833); 'Corn Laws' (Edinburgh, December 2. 1845); 'Ten Hours Bill,' (May 22. 1846). The first as it is given in Northcroft's Parliamentary Chronicle, (in spite of the reporter's frankly acknowledged inability to follow the rapid speaker) is a far finer fragment than either of the other speeches on the same subject (April, 1830, and March, 1841), which Mr. Vizetelly has selected.

Lansdowne to be permitted to dedicate the volumes to him. That nobleman, taking the course which right feeling would prompt, inquired whether Mr. Macaulay had given his consent? On finding that he had not, he very properly made his acceptance of the proffered tribute of respect contingent on that consent, and when he found consent refused, he naturally declined it.

When the Marquis of Lansdowne named his condition, Mr. Vizetelly, it seems, applied to Mr. Macaulay for his consent to the publication. That consent would probably have been withholden under any circumstances; but who can wonder at it, when the offensive advertisement had been issued, and the volumes printed? The proper time for such application was before the printing commenced, accompanied by an offer (with the resolution to abide by it) to abandon the publication, if the right honourable gentleman's consent could not be obtained. Then the application might have been gracefully made, and we venture to say, that if not complied with, refusal would have been not only courteously, but reluctantly, withheld.

Mr. Vizetelly disclaims mercenary aims in the publication. Disinterested concern for Mr. Macaulay's fame, or pure devotion to the diffusion of knowledge, — which of these forms of a perfectly unprecedented bibliopolist Quixotism chiefly prompted this compilation? We pretend not to decide this point; but certainly Mr. Vizetelly states that he requested Mr. Macaulay to name some party to whom he might account for the profits of the sale, — a very proper proceeding, if the application for consent had been made before the advertisement was issued, or the printing begun. But since the publication was resolved upon without consent of the party principally interested, it came all too late. Even if we give Mr. Vizetelly credit for absolute personal disinterestedness in the matter, his proceeding was much like that of a man who taking it into his head that you are suffering a piece of ground to lie waste which might be profitably converted into pasture or arable, says, 'I see, neighbour, you do not make what you might out of that plot; I will take it out of your hand, and make it yield something worth having; but do not suppose, I beseech you, that I design any profit by it; I am purely concerned for the public and for you; appoint some one with whom I may reckon for the profits.' 'Had you not better,' would surely be the answer, 'had you not better, since you thus renounce all *moral* right to the profits, first inquire whether you have any *moral* right to inclose and cultivate land which is not your own?'

In another respect, we think Mr. Macaulay had a right to be

indignant at the publication; we refer to the obvious want of proper *editorial* supervision. Mr. Macaulay admits that the speeches (comparatively few in number) reprinted from reports which he had corrected for the 'Mirror of Parliament,' or the 'Parliamentary Debates,' are, 'with the exception of some 'errors of the pen and the press, correctly given.' As to the 'rest,' he declares, (speaking, however, too comprehensively, and rather under the influence of his own exquisite taste and sensitiveness to the least flaw, than under a just impression of the effects of at least some of these speeches upon the reader,) 'the rest bear scarcely the faintest resemblance to the speeches 'which I really made.' In fact, they vary greatly in accuracy: some of them were evidently much more skilfully reported than others, though none except those above referred to had the advantage of Mr. Macaulay's revision. Many, however, are undoubtedly infested with glaring verbal errors and gross literary blemishes.* In many others,—we know not whether the fault lies with the original reports or the reprint,—Mr. Macaulay's charges are true,—that the 'substance of what was said 'has been misrepresented,' 'the connection of the argument is 'often lost,' and the 'faults of syntax and of style' are numberless. Who can believe that Mr. Macaulay, deliberately or extemporaneously, ever gave expression to such sentences as the following?

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* In one case, the report of the speech on the 'Dissenters' Chapels 'Bill,' particularly criticised by Mr. Macaulay, the blunders are to the last degree ludicrous; and in one or two other instances scarcely less so. One error in the above speech, with Mr. Macaulay's comments, we must give. 'Mr. Vizetelly next makes me say that the principle of 'limitation is found "amongst the Pandects of the Benares." Did 'my editor believe that I uttered these words, and that the House of 'Commons listened patiently to them? If he did, what must be 'thought of his understanding? If he did not, was it the part of 'an honest man to publish such gibberish as mine? The most 'charitable supposition, which I therefore gladly adopt, is that Mr. 'Vizetelly saw nothing absurd in the expression which he has attributed to me. The Benares he probably supposes to be some 'Oriental nation. What he supposes their Pandects to be I shall not 'presume to guess. If he had examined the "Times," he would have 'found no trace of the passage. The reporter, probably, did not 'catch what I said, and being more veracious than Mr. Vizetelly, 'did not choose to ascribe to me what I did not say. If Mr. Vizetelly had consulted the Unitarian report, he would have seen that 'I spoke of the Pundits of Benares; and he might, without any very 'long or costly research, have learned where Benares is, and what a 'Pundit is.'

'He wanted to know if a letter, after it got to Mr. Mazzini, was so sacred that it could not be touched, and yet before it came to him that it could be examined; that, upon the most vague suspicion, fifty or a hundred letters could be thus stopped, and yet Mr. Mazzini never know whether they were examined or not.' *

'He could have wished that the conduct to be pursued by the gallant officer (Colonel Davies), who had last addressed the House, were the direct reverse to that he had announced himself it would be, and that, on the vote of censure upon the Government, he should vote against them, and in that respecting the violation of national faith, he should be with them.' †

'But to charge an officer by an *ex post facto* proceeding, without a court-martial, and of a nature not cognisable by virtue of the Mutiny Act, would lead to a great injustice, and a most fatal uncertainty in our whole military system.' ‡

There is another point in which the lack of proper editing has inflicted a grievous wrong. We refer to the absence of all discrimination in the selection and rejection of materials. After the manner of those biographers who sweep out the writing desks of the objects of their cruel admiration, and in their zeal for the public or the bookseller, will hardly leave a cheque or a card of invitation inviolate, we here find almost every scrap that has been reported, — any how, any where, — in provincial papers as well as the metropolitan, — however imperfect or mutilated, remorselessly seized upon; and gross injustice, as might be expected, has thus been done. One speech, which we ourselves heard in Edinburgh, and of which we retain a very vivid remembrance, — namely, that delivered at the memorable election of 1847, — must have been deplorably reported. Though full of powerful passages, which will ever live in our memory, we cannot discover a trace of them in this wretched daguerreotype. If Mr. Vizetelly *would* publish the speeches of Mr. Macaulay, it was due to the eminence of the speaker and the merit of the speeches, to procure the very best editing; the task should have been confided to one of judgment and taste, accuracy and patience, with a charge to select only what was sufficiently well reported to be retained, and to subject to the most minute collation all the different reports of the same speeches. The whole should have been illustrated with brief, but well written notes.

If it be urged that it was not in the power of an editor, who professed to give the reported speeches, to reject any, the plea is absurd. In fact, many have been omitted. But not to insist

* Vol. ii. p. 101.
† Vol. i. p. 116.
‡ Vol. i. p. 335.

on this, it is obvious that there are reported speeches of all great speakers, especially among those they have delivered before country audiences, which are far less those of the speaker than of the reporters. Many of those given in these volumes, for example, were evidently mere summaries of what was said, and not always correct summaries. It would be as fair to publish the 'Argument' of some Book of an epic poem for the 'Book' itself, as give some of the meagre condensations of speeches contained in these volumes for the very speeches themselves.

So little care has been bestowed on the editing that in very many cases the moderate trouble has not been taken to give these compositions even the form of speeches. Some are in the *first* person; but very many in the *third*, with all the tedious formulæ which make this last style of reporting so intolerable. These awkward formulæ originated, we suppose, in the necessity of evading the law, and it is high time that the newspapers, having no longer any necessity for such disguises, should abandon them.

We cannot be surprised that the things on which we have insisted, but especially the 'special licence' of the 'advertise-'ment,' should have moved the indignation of Mr. Macaulay; much more, we apprehend, than the fact of the publication itself. That Mr. Vizetelly had a legal right to do, what we must contend no man has a moral right to do, has been admitted; and it is because he had that legal right, and is not the only one who is chargeable with similar practices, that we have spoken and wish to speak with moderation on the fact of the publication itself. Apart from the peculiar grounds of complaint specified,—supposing the publication had been issued simply without consent asked, and without any announcement which looked like a deceptive pretence of that consent having been obtained,—Mr. Vizetelly would merely stand chargeable with the abuse of a legal right which many abuse besides himself.

But, dismissing the personal question, we are anxious to discuss a much more important one,—whether the legal right pleaded in all such cases ought to be abolished? Law ought to be made, in every case, and to the utmost practical limit, coincident with the claims of moral and social equity. When this is not the case, the moral perceptions themselves become blunted; and there is scarcely any wrong which the exemption from legal liabilities, and the influence and contagion of example, may not induce the selfishness of man to suppose that he may do with as much *innocence* as *impunity*.

Cannot the law then, we ask, without infringing on any just 'liberty of the press,' or any privilege to which the public is

entitled, he brought into harmony with the claims of equity to the individual? We conceive that it can. We concede that the present liberty of giving in the daily journals, as part of the news of the day, and, for the most part, to perish with the day, the hasty reports of speeches, sermons, lectures, as well as all else that makes up that infinite chaos of intelligence which the public is concerned to know merely as *news*, may well be allowed; but does it follow that therefore every one ought to be permitted to collect a *series* of such lectures, sermons, or speeches thus reported, and, however imperfectly reported, after the lapse of years; throw them into the shape of a book; affix to it some celebrated name, though the man may not be responsible for the half of it, at least as it stands; make his reputation responsible for the handiwork; create, if not copyright, yet copyright's worth, out of his brains; and all this not only without his consent, but in defiance of his strongest wishes? This, we contend, is no just liberty at all, but an insufferable abuse of all liberty; which it is a wonder that any just nation should tolerate for an hour.

If it be asked where is the line to be drawn? We answer, that, *practically*, it is perfectly easy to draw it, leaving the public in full possession of every privilege at present enjoyed, and yet effectually securing private rights.

The liberty we have conceded is of course easily justified. In a free country, where no public meetings are allowed to be held with closed doors, the public is fully entitled to know in the daily papers, — it would be intolerable were it otherwise, — the substance of what passes in Parliament, in the courts of law, in churches, in chapels, in all public assemblies whatsoever. Here, reporters ought to be admitted (as they are), and should give the public the best account they can; we have no wish to curtail the privileges of the nation in this respect; but, thus far, every one is benefited, and no one injured. The proceedings are given as part of the news of the day, and for the most part, as we have said, the record instantly perishes. Few think of filing and binding up the newspapers; if they are kept, they are not associated with the reputation of any one man; they do not insulate him for criticism, nor make him summarily responsible for what is found there in connexion with his name, which, it is understood, may be the hasty, or crude, or imperfect report of the day. The mere fact that what is said of him, or attributed to him occurs in a *newspaper*, mixed up with ten thousand things relating to all the world besides, of itself reminds the reader of all this. The public judges of a great man very differently from what it would

do if perusing a book bearing his name only, and deliberately sent forth to the public under that name. Even if some outrageous blunder of reporter or printer occur,—something which utterly travesties the opinion of the speaker,—a line from him in the next morning's paper sets that matter straight; as for mere crudities, imperfections, omissions, and consequent *non-sequiturs*, the speaker does not, once in ten times, care to notice them at all. Every one who reads understands that it is a report; the wonder is that the reporter should do so well, rather than that he has not done better; the necessary errors of his vocation (a vocation often discharged amidst utter hubbub and confusion,) are visited on nobody, certainly not on the speaker: and so the sketch of what is said, more or less exact, more or less erroneous, mixed up with an infinite jumble of chaotic information,—births, deaths, and marriages, police reports, advertisements, trials, sketches of sermons, and 'dreadful accidents' more attractive than all of them,—goes the way of all paper; or if it does not, tells its own tale, and disarms all criticism when met with. Freedom of discussion, and freedom of communication, such as befit a free country, are thus permitted, and no man's fame is jeopardized, no one's sensitiveness permanently outraged, no one's hasty or crudely reported utterances perpetuated. But is this any reason why any one, just as a promising commercial speculation,—without paying even what the newspaper proprietor honestly pays for his evanescent 'news,' should be permitted to collect from those perishing records all the scraps attached through a long series of years to an illustrious name,—often containing what the speaker never said, and sometimes what he *wishes* to pass into oblivion,—give them a permanent form in a book, and make his reputation responsible for it, and all this not only without his consent, but in defiance of his protest? We trow not.

Nor let us suppose that members of Parliament only are affected by the present state of the law. Eloquent preachers are perpetually annoyed by a similar injustice. A man tells his congregation that he is going to preach a 'series of lectures;' in many cases contemplating their ultimate publication, after he shall have elaborated and matured them for the press. No sooner has he made the announcement than—to his surprise we were going to say, but it has become too common to excite that,—he finds a benevolent and patriotic publisher willing to take the trouble off his hands! Not only does he see, what is all fair enough on the principle we have already advocated, a brief report of what he has said in some journal, but an advertisement stares him in the face, setting forth, that 'the Rev. Mr. So-and-

'So's series of eloquent discourses' will be published *seriatim*, and in a form admitting of being conveniently bound up in a volume as soon as he has finished the course! If he corrects the reports, he patronises an infamous abuse, and becomes an accessory in his own wrong; he also, for the most part, abandons the project of a more mature publication, and, of course, the hopes of all profit to himself and his family. If he does *not* correct the reports, he sees his name delightfully coupled with all sorts of blunders and absurdities. Scientific 'lecturers' are, in part, exposed to the same impertinence; and though the wrong is not so frequently perpetrated in their case as in the case of preachers, the liability to suffer is equal.

It may be said, and sometimes is so, 'Well, after all, only 'men of mark—the celebrities of the day—are liable to this sort 'of treatment; no one would think it worth while thus to per-'secute mediocrity. They pay the penalty of greatness; they 'ought to consider it a compliment; it is because the things are '*valuable* that they are stolen!' Very likely; but does that justify the theft? And if we pay compliments at all, ought they not to be acceptable things? Is it particularly encouraging that genius should thus pay penalties from which blockheads are exempt? Is it any consolation to be told that it was only because the man's rings and jewels were of value that they were pilfered? that had they been worthless, he might have retained them, and welcome? that it is his fault, after all, for having something that people could covet?

Another argument, which we once heard made use of, but cannot lay much stress upon, is that every restriction of the kind contemplated would circumscribe the benevolent efforts of patriotic booksellers to furnish the reading public, at their risk, with valuable matter! At their risk? Aye—if it were so; but as they get the said matter for nothing, and from those who have made a name to sell it, *their* risk in such cases is small enough; and whatever it be, none but the bookseller himself would affect to believe that it would be incurred except with the hope, not of public benefit, but of private profit. If, however, there be intrinsic injustice in such publications (as we affirm there is), the patriotism of publishers ought not to be allowed to take so eccentric a form; and whether they contemplate their own benefit, or that of the public, neither themselves nor the public ought to be gratified at other people's expense. Nor will a free nation wish to secure any such benefits without paying for them, unless the liberty of the many is to mean tyranny to the few!

But it will be said—'What then is the remedy you would

'propose?' We answer, that it is very simple; just the extension to the *separate* publication of speeches, lectures, sermons, &c., of the law of copyright already applicable to every other work. Allowing precisely the liberty, enjoyed at present, of reporting all free speech in the daily journals, according to the ability of those who report it, let men be forbidden to publish reported speech, sermon, or lecture in a separate form, or make collections of such compositions for such purpose, just as they are forbidden to reprint any book or pamphlet of a private author, without the author's consent; let a penalty be attached to collecting and publishing any such compilation before the author's death, or within a term of years, unless *his consent and sanction have been first obtained.*

It may be said, perhaps, 'But the time will come when the 'publication may proceed *without* his consent; and it is im-'possible to prevent that.' Certainly; just as the time comes, by the law of copyright, when the author's beneficial interest in his own writings, and all control over them, must also terminate; when he will not be able to prevent the reprint of a worse edition instead of a better, if some publisher chooses to be fool enough to issue it; when he may be shamed in his old age, as Southey was, with the ghosts of 'sins of his youth,' if any one be spiteful enough, or mercenary enough, to evoke them.

But, *practically*, we believe that the said extension of the Copyright Act would effectually prevent the wrong of which speakers and preachers have now to complain. Take the case of a parliamentary speaker: if his speeches are pretty certain to be collected after his death,—and he must be uncommonly modest if he cannot properly estimate that probability,—what will be the effect? He will himself take timely care of his own reputation; will himself select that which he thinks is of permanent interest, most worthy to live, or least unworthy of himself; he will leave such matter in a state fit for publication; and the foresight of this will prevent others from issuing rival compilations of scraps and crudities. On the other hand, if he does *not* think his reputation worth such moderate pains, (though we apprehend there would be few so careless,) he will, at all events, allow the thing now complained of to be done with his eyes open, and of his free choice, since he declines the remedy. He will virtually have given his consent to the world's doing as it pleases with him, by refusing to dispose of himself. But further; even if he does nothing, one of the worst results of the present abuse would be generally obviated. The mere lapse of a little time would allow much that was of temporary interest, or very imperfectly reported, quietly to slip into

oblivion; no desperate efforts would ordinarily be made for the recovery of every imperfect fragment.—Again: What had been uttered in the heat of political strife, if likely in after years to awaken troubled remembrances in those who spoke it, or in those against whom it had been spoken, would either be cancelled by the speaker himself, or, at least, would not be obtruded on the world till the actors in the scene had passed away, and then would be read by the next generation with as much composure as an account of a skirmish in the Iliad. There is something to our minds very touching in the language in which Mr. Macaulay, in his preface to this volume, laments the unnecessary ventilation of the strong expressions he on various occasions felt it his duty to employ in relation to his political opponent, Sir Robert Peel. On all the occasions in question, we must profess our belief (as, indeed, subsequent events pretty clearly demonstrated), that Mr. Macaulay was in the right; his appreciation of that great statesman's position, of the exigencies in which party would involve him, and the facility with which he would accommodate his temporising policy to them, was singularly correct. In one of Mr. Macaulay's speeches (1840) the confident anticipation of the odium of political apostacies which Sir Robert would still have to encounter, and the palinodes which were yet in reserve for him, has in it something almost prophetic.* We say this, though, like all Sir Robert's countrymen, profoundly penetrated with the glory of the conflicts of that closing year of power, which well atoned for all his previous errors; and though convinced that in that *last* effort, by which he saved his country, he was no apostate from Party, but a proselyte—not to say a martyr—to Truth.

It appears that some years before his lamented death every trace of animosity had been erased from the minds of the rival orators and statesmen. Under such circumstances, who but must sympathise with the following beautiful expression of regret, that even a transient cloud should trouble the bright remembrance, which the survivor desired exclusively to cherish and perpetuate, of the cordial intercourse of those last years?—

'It was especially painful to me to find myself under the necessity of recalling to my own recollection, and to the recollection of others, the keen encounters which took place between the late Sir Robert Peel and myself. Some part of the conduct of that eminent man, I must always think deserving of serious blame. But on a calm review of his long and chequered public life, I acknowledge with

* See particularly speeches on Confidence in Lord Melbourne's Ministry (1840), and on 'the State of Ireland' (1844).

sincere pleasure that his faults were much more than redeemed by great virtues, great sacrifices, and great services; my political hostility to him was never in the smallest degree tainted by personal illwill. After his fall from power, a cordial reconciliation took place between us; I admired the wisdom, the moderation, the disinterested patriotism which he invariably showed during the last and best years of his life; I lamented his untimely death, as both a private and public calamity; and I earnestly wished that the sharp words which had sometimes been exchanged between us might be forgotten.' *

We humbly conceive, then, that the measure we suggest, of extending to all such publications as those in question the present law of copyright, would effectually close the piratical trade of which public speakers have now so justly to complain.

As to *parliamentary* speakers, an objection may yet be urged: 'There is still Hansard.' Very true, and a Hansard there ought to be. But then the same observations virtually apply to that compilation which we have made on the newspapers. Hansard is little more than a file of newspapers. In a vast repertory like that—so vast that few can purchase it—considered, too, purely as an impartial register of *all* the doings and sayings of Parliament, important and trivial alike,—where all sorts of speeches, of all dimensions from two lines to twenty columns, of every conceivable quality, and on all subjects, from a Turnpike Act to Parliamentary Reform, are huddled together,—where thin veins of eloquence faintly streak infinite platitudes, and grains of golden ore lie entombed in whole continents of rubbish,—there, no man's fame is compromised; rather fame and dulness sleep their last sleep side by side. Every one regards Hansard as what it is, a simple historic journal of the transactions of Parliament,—highly proper to be preserved—very useful to the future historian—very useful also to present political partisanship; whence unimaginative speakers can make a speech out of the shreds of other people's speeches, and a keen debater can prove, by due selections and omissions and transpositions, that any honourable member has said anything which any other honourable member may wish him to have said! But seriously, the few who open it are reminded, as on opening a newspaper, that its value is that of an historic document merely—as it is in fact seldom consulted except with an historic aim; the somebodies and the nobodies, reported with the same impartiality, are, moreover, understood to be *only* reported. In a word, no man's literary or oratorical reputation is compromised by its imperfections; the strong glare

* Preface, p. vii. viii.

of criticism is not thrown upon any individual name of greatness, nor is genius supposed there to have deliberately deposited the things which it would wish posterity to understand had received its last fine touches. Nay, not only from these circumstances is no one's sensitiveness likely to be wounded, but next to nobody knows anything of the matter. It is surely very different when a volume or two, made up exclusively of the speeches of some one illustrious orator are dragged from these recesses to the literary tribunal, in the hope and the belief that the charm which attaches to the name will insure them a wide circulation; and, whatever their imperfections or mutilations, make them a part of each man's private library. In 'Hansard' they were in a secure *asylum*, in the obscurity of which it was perchance the earnest wish of the author they should remain; to expose them to the world without his revision, nay, without saying 'by your leave,' is to violate that asylum. It is not till then that they are, properly speaking, *made public*, and it certainly ought not to be done without the author's privity and consent.

Exactly then as we said of the daily journals, that the reports of all public meetings should be as public as they are now, so we say of Hansard; let *that* flourish too, for it is no more than the newspaper of Parliament. Further, we would say, let the absurd state of the law which forbids all reports of *parliamentary* speeches and yet provides for a *reporters' gallery* — which banishes reporters utterly and cherishes them exceedingly — which says that that must not be done under heavy penalties which may be done with perfect impunity, or rather which, the more perfectly it is done, is done with the more applause; — let this absurd state of the law, we say, be remedied, and the same freedom of reporting be allowed in the House of Commons which is allowed and practised everywhere else, or rather, which is *practised* there without being allowed; but while this liberty is everywhere granted, as the just right of a free nation, and an inseparable condition of free speech, let not that 'liberty' degenerate into 'licentiousness.' Let not public speakers, lecturers, preachers, be placed at a disadvantage as compared with all other thinkers; let them not be compelled permanently to appear, whether they like it or not, in the undress in which they may often meet a public assembly, or perchance in the downright raggedness and rents which an imperfect tachygraphy may have occasioned; let them not be turned into authors without their consent and in spite of their wishes—forced to father every collection of blundered reports or absolute crudities which the cupidity of a bookseller may rake together from the journals of

the day, and to pay, with a tarnished reputation or a wounded sensibility, for the paltry gains of some private adventurer. If the law of copyright be extended to such publications, the nation will not lose a single privilege which it is necessary it should retain, and the rights and feelings of private individuals will be secured from outrage.

We have seen it stated in some journal or other, that in publishing Mr. Macaulay's speeches nothing was done but what was permitted by his own celebrated speeches on Copyright. It might as well be said that nothing was done but what was permitted by Mr. Macaulay's speech on the Sugar Duties. We have read (as who has not?) those most ingenious and beautiful speeches with the utmost attention and delight, but there is nothing in them that affects the present question one way or the other. The second speech is not only one of the most conclusive in reasoning ever uttered in the House, but affords one of the happiest and adroitest solutions of a political problem ever submitted to it. The proposition it embodied at once recommended itself to the House, and was adopted. But it had nothing, we repeat, to do with the present question. It merely secured to every *writer* for a certain term a property in his thoughts. Now, why any scribbler of a miserable pamphlet—whose right, by the way, no mortal would ever wish to invade—should be elaborately fenced by law, while a consummate genius who, after long meditation, has consented to give his thoughts to a public assembly, should not only have them reported to the world as part of the daily news (which we admit to be perfectly right), but be liable to have them published in a separate form, with all their imperfections on their head, in defiance of his wishes, is one of the 'mysteries of—iniquity' and of law.

We have been the longer on this subject because it is notorious that the present state of the law has been a source of frequent and indescribable vexation and annoyance to some of the first public speakers of the day; and we speak most disinterestedly; for we have no prospect of being tried in a similar way!

It may be said, perhaps, that genius is too sensitive, squeamish, and so on. We dare say it may be so; but, gentle Public, why, when it costs you little or nothing, why should you not consult the feelings of men to whom you owe so much? to whom you have so much reason to be grateful for instruction and delight? who are, in so manifold ways, both the *decus* and *tutamen* of your country?

Nor is it much better to say that the few thus affected are but a petty minority; for, every equitable claim of the

majority being cared for, it is the mere insolence of tyranny not to care for even the pettiest minority. The great problem of all equitable legislation is to seek the exact limit at which the *maximum* of public benefit may be reconciled with the *minimum* of private inconvenience. We cannot think that the law, as it at present stands, has solved that problem of limits.

Having thus thrown out hints on this subject in the hope that they may hereafter attract the attention of some member of the Legislature in search of a *topic*, we proceed to make a few observations on the remarkable volume, the appearance of which has occasioned them.

That these 'Speeches' should be equally popular with the 'Essays' or the 'History' of the same great writer was hardly to be expected; that they *deserve* to be so we have no manner of doubt in the world. The obstacles to their achieving such popularity, at least suddenly, are of course obvious enough. Many of them were on topics of temporary interest, (though the speaker, with the characteristic vivacity of eminently original and vigorous minds, has always managed to surround even these with elements of enduring interest;) all of them were reported in various forms on their delivery, and were eagerly read at their first appearance by tens of thousands; lastly, the 'unlicensed' edition (for so we must call it) must in some measure have forestalled the market. We have little doubt, however, — such is the superiority of the authentic form, so numberless the minute, but fine touches which are here restored to the original, — that this volume will, in a little time, quite banish from the market its less attractive rivals.

The following brief specimens, in parallel columns, from the two versions of these speeches, will show the amazing difference which a few strokes of the chisel will make in the work of a great artist. No italics are required to draw the reader's attention to the differences of the two in point and vivacity. How tame and colourless is the one compared with the other! The two sides of tapestry do not show more differently.

The first extracts shall be from the speech on 'Repeal of the 'Union with Ireland' (1833). Mr. Macaulay is defending himself from the charge of inconsistency in having pleaded for reform as necessary to appease discontent in England, and afterwards contending that coercion was required to quell tumults in Ireland.

| *Unauthorised Edition.* | *Corrected Speeches.* |
| --- | --- |
| 'When he said that in his mind the burnings and destruction of agricultural produce, which | 'It is perfectly true that in the debates on the Reform Bill I imputed the tumults and out- |

disgraced so many portions of England, were mainly owing to the Ministers turning a deaf ear to the people's cry for Reform, he did not at the same time contend that the incendiaries and the lawless disturbers of social order should not be hanged or otherwise punished. Then, though he earnestly deplored the probable results of rejecting the Reform Bill, he did not assert that the outrages and excesses committed under the name of that rejection should pass with impunity; that for the Bristol rioters, for example, the sword of justice should not be unsheathed; but he would defend the consistency of his language, on that and the present occasion, out of the mouth of the learned member of Dublin himself.' (Vol. i. p. 135.)

rages of 1830 to misrule, but did I ever say that those tumults and outrages ought to be tolerated? I did attribute the Kentish riots, the Hampshire riots, the burning of corn stacks, the destruction of threshing machines, to the obstinacy with which the Ministers of the Crown had refused to listen to the demands of the people, but did I ever say that the rioters ought not to be imprisoned, that the incendiaries ought not to be hanged? I did ascribe the disorders of Nottingham and the fearful sacking of Bristol to the unwise rejection of the Reform Bill by the Lords, but did I ever say that such excesses as were committed at Nottingham and Bristol ought not to be put down, if necessary, by the sword?' (P. 107.)

We give another pair of brief extracts from the speech on 'The Gates of Somnauth':—

*Unauthorised Edition.*

'We have had governors-general of India of various stamps. Some governors-general there have been who have been guilty of faults, some who have even committed crimes. The natives in some cases have hated the governor-general, but now, for the first time, they have a governor-general whom they laugh at. And how are we to blame the natives of India laughing at what is occurring under their own immediate observation, when all Europe and all America are laughing too? Was there ever any thing which more justly excited ridicule? And what is the defence which is set up? The honourable gentleman opposite produces some turgid Eastern papers, full of brilliant tropes

*Corrected Speeches.*

'So much for the serious side of this business, and now for the ludicrous side. Even in our mirth, however, there is sadness; for it is no light thing that he who represents the British nation in India should be a jest to the people of India. We have sometimes sent them governors whom they loved, and sometimes governors whom they feared, but they never before had a governor at whom they laughed. Now, however, they laugh, and how can we blame them for laughing when all Europe and all America are laughing too? You see, sir, that the gentlemen opposite cannot keep their countenances. And no wonder. Was such a State Paper ever seen in our language before? And what is the plea

and flowing figures, to show that this proclamation is couched in the terms in which documents in former times were sometimes couched by native princes. But is that a parallel case? May it not as well be said that it was fit that the noble lord should allow his beard to grow down to his waist—that he should attire himself in the Eastern costume—that he should hang about his person jewels and glittering ornaments—and that he should ride through the streets of Calcutta on a horse richly caparisoned and ornamented with gingling bells and glass beads, and all the showy paraphernalia of the native princes? When the natives see a nabob or a rajah indulge himself in these luxuries, they bow to him, and take the splendour of his appearance to be indicative, as it is, of his rank, his power, and his wealth; but if Sir Charles Metcalfe had so bedizened himself, I am inclined to think that it would have been concluded, and not without reason, that he was out of his wits.' (Vol. ii. p. 12.)

set up for all this bombast? Why, the honourable gentleman, the Secretary of the Board of Control, brings down to the House some translations of Persian letters from native princes. Such letters, as every body knows, are written in a most absurd and turgid style. The honourable gentleman forces us to hear a good deal of this detestable rhetoric, and then he asks why, if the secretaries of the Nizam and of the King of Oude use all these tropes and hyperboles, Lord Ellenborough should not indulge in the same sort of eloquence? The honourable gentleman might as well ask why Lord Ellenborough should not sit cross-legged, why he should not let his beard grow to his waist, why he should not wear a turban, why he should not hang trinkets all about his person, why he should not ride about Calcutta on a horse gingling with bells and glittering with false pearls. The native princes do these things, and why should not he? Why, sir, simply because he is not a native prince, but an English governor-general. When the people of India see a nabob or a rajah in all his gaudy finery, they bow to him with a certain respect. They know that the splendour of his garb indicates superior rank and wealth. But if Sir Charles Metcalfe had so bedizened himself, they would have thought that he was out of his wits.' (P. 283.)

The question may perhaps be asked, 'But which is the more 'authentic form of the two?' It appears that Mr. Macaulay corrected *nine* of the speeches within a few days of their delivery, and these are given correctly in both editions. For the remainder, Mr. Macaulay says he has given the 'substance of 'the speeches with perfect ingenuousness.' More than this it

is plain that none of the reports ever gave, *for they differ from one another* as much as Mr. Macaulay's version from them. Indeed, in no shorthand report for the newspapers can more than this general fidelity be maintained, if, as in Mr. Macaulay's case, a speaker be very rapid. He assures us that 'very able 'shorthand writers have complained that they could not follow 'him.' We cannot but think also (though we speak only from conjecture) that Mr. Macaulay's present issue of the speeches which he did *not* correct for the 'Mirror of Parliament' or the 'Parliamentary Debates,' has sometimes had the advantage of certain fragments of manuscript or jottings of notes with which he aided his memory at the time of preparation, and which he has discovered in some 'ancient crypt.' Of these speeches generally, however, he says he 'does not pretend to give with 'accuracy the diction of those which he did not himself correct 'within a week after they were delivered;' but we can easily credit the truth of what follows:—'Many expressions, and a 'few paragraphs, linger in my memory, though the rest, in-'cluding much that had been carefully premeditated, is irre-'coverably lost.' 'Many expressions,'—though connectives and forms of construction be gone,—we can readily conceive have been faithfully reproduced; for it is a characteristic of men of ardent imagination and tenacious memory, that even unwritten felicities of thought and expression are almost never forgotten. The words or phrases which carry the thought are remembered, though the structure of sentences may be varied. We believe that Robert Hall, in this way, sometimes reproduced every essential characteristic of certain sermons (varying the construction only) which he had not preached for years.

While the style of those speeches which Mr. Macaulay has here corrected for the first time, is infinitely more his own than that of the reported speeches, he assures us the substance is faithfully given. We cannot deny ourselves the pleasure of quoting the manly declaration which he makes on this subject:—

'The substance of the remaining speeches I have given with perfect ingenuousness. I have not made alterations for the purpose of saving my own reputation either for consistency or for foresight. I have not softened down the strong terms in which I formerly expressed opinions which time and thought may have modified; nor have I retouched my predictions in order to make them correspond with subsequent events. Had I represented myself as speaking in 1831, in 1840, or in 1845, as I should speak in 1853, I should have deprived my book of its chief value. This volume is now at least a strictly honest record of opinions and reasonings which were heard with favour by a large part of the Commons of England, at some im-

portant conjunctures; and such a record, however low it may stand in the estimation of the literary critic, cannot but be of use to the historian.' *

For ourselves, we have been equally delighted with the manner and the matter of these speeches. They are wonderful not merely as compositions, but as specimens of true deliberative eloquence; and equally admirable for the just, and often deep, practical political philosophy with which they are everywhere imbued.

We are aware it is the opinion of some folks, who, if they see some one faculty in a very variously endowed mind signally predominant, imagine that the others must not only be relatively, but *absolutely*, inferior,—who, in short, have a difficulty in judging of the *tout ensemble* of all its qualities,—that Mr. Macaulay is too imaginative—too profuse in illustration—too stately—too *this*, and too *that*, to admit of his attaining the highest excellences of the true oratorical style,—of that style which Aristotle calls the λέξις ἀγωνιστική, and of which, by general consent, Demosthenes is the most perfect, if not the sole perfect example. As it is not given to any man to be equally every thing, so it would not be wonderful if Mr. Macaulay, having been for the most part engaged in a very different kind of composition, or rather in several different kinds of composition (in all of which he has exhibited a singular facility), and, having given to his oratorical talents no exclusive development, had encountered the usual fortunes of the pentathlete, and sacrificed, in some degree, concentration of power in one form for varied excellence in many. But, on the whole, we must profess our conviction that it is rather the skilful *adaptation* to the requirements of the true oratorical style which these speeches display, than any failure in that respect, that ought to surprise us. It is not the similarity between the style of this volume and that of the 'Essays' or the 'History,' that so much strikes us (at least, in a very large proportion of passages), as the degree in which the first differs from the second, in obedience to the flexibility, the vivacity, the energy which the spoken style in a deliberative assembly demands.†

* Preface, p. xii.

† It is perhaps true that a less violent transition would be necessary to Mr. Macaulay than to many in passing from one style to the other. He has written history in a form which, without sacrificing any dignity whch in any intelligible sense belongs to such composition, has much of the animation of the happiest popular eloquence. He has shown that a stiff and formal air, and scorn of vivacious details, are happily not essential to the dignity of the Historic Muse.

The general, and very undeniable, commonplaces of criticism as to the truest style of oratory, we should be the last to dispute; and this Journal, where they have been so constantly contended for, would be the last place wherein to dispute them. The characteristics of that style,—its impatience of the abstract and the ornate; its demand that philosophy should be used only to minister to the *practical*, lend its wisdom without parade, and even without the expansion into which, when there is *no* parade, a philosophic mind (like that of Burke, for example,) loves to wander; its parsimony of imagery, except where the illustrations themselves are the flashes of passion, or can be held in solution in metaphor; its business-like point and brevity, to the utmost limit at which brevity can consist with perspicuity; its uniform preference of energy to elegance, whether of conception or expression; and its rejection of all elegance *merely* as such, and except so far as it is a more pleasurable, and therefore more effectual vehicle of conveying instruction or insinuating argument; its ever-varied flow—rapid or gentle—placid or rough—breaking into foam, or murmuring between peaceful banks, just as the course of the channel offers obstructions which chafe passion or invites the unimpeded and tranquil flow of sympathy; its flexible adaptation to the whole play of emotion, whatever that may be; its rapid changes of construction; its speaking pauses; its vivacious apostrophes; its questions which carry their own answer; its suppressions more eloquent than speech;—changes, if we may so say, all responsive to the varying attitudes and gestures of mind, and (where eloquence is perfect) reflected again in answering variations of voice, and feature, and action:—these are some of the characteristics of that eloquence, the analysis of which is as difficult as the description of the physical changes which pass in alternate light and shadow over a speaking countenance; but it is recognised the moment it is heard, just as the latter is interpreted the moment it is seen.

If a popular deliberative assembly is impatient (as it always will be) of redundant philosophy or exuberant imagery, even when the first has the genuine qualities of philosophy, and the other the appropriate grace of poetry, it need hardly be said, that it will reject with double disgust the ambitious affectation of either; the parade of profound or subtle thought without the reality, and the meretricious ornament which juvenility and inexperience are apt to mistake for eloquence. But let the deviation from the truest eloquence be from what cause it will, whether from powers of argument or imagination, great indeed but misapplied, or simply from a ridiculous caricature of

the very qualities thus mocked, the reasons for which a deliberative assembly resents any such deviation are obvious; it is because it *is* a deliberative assembly, bent on business, having grave and weighty interests to deal with, and hard practical knots to untie. What is strictly *ad rem*, and uttered under the influence of natural feeling, can alone secure its permanent attention, and is sure to do so.*

But fully conceding the characteristics of the style which Aristotle has analysed, and Demosthenes exemplified, we are to recollect that even these may be exhibited with equal *nature* in different men, though within very different limits. They will vary not only with the age, the country, the assembly, but quite as much with the *intellectual character* of the individual speaker, and yet the qualities in question may be exhibited strictly within the sphere of nature.

Take, for example, the imaginative element. We have spoken of the parsimony with which the true orator uses it; but this respects rather the forms imagination assumes than the frequency of its exercise, or affects its frequency only when a single thought is superfluously illustrated. Ten illustrations of one point would be intolerable; but ten illustrations of as many points is a very different matter. There are some minds so imaginative, so apt to seize analogies, (Burke's, for example,) that with them to think is almost to think in metaphor. They invent every moment a more vivid, symbolical language of their own than common terms supply. Now, will an orator of this stamp, however faithfully he may exemplify the principles we have been advocating, employ no *more* metaphors than a man in other respects of equal powers, but inferior here? The notion is of course absurd. If he feather the shaft with more than will carry it home — if he express his images in the garish colours or exuberant forms of the poet, he has committed a grave error; and no doubt that a temptation to do this will be one of the things against which such a constitution of mind will have to guard. But he may use most abundant metaphor, and be quite blameless. Hence, as we have said, the *extent* to which the use of the imagination is resorted to, even in the severest eloquence, will be a question of limits. As the natural effect of passion is to stimulate that in common with every

* Of all the deliberative bodies ever assembled, the House of Commons is perhaps the most fastidious in this respect. It will concede liberal indulgence to knowledge, simplicity, and nature, with whatsoever defects of manner associated,—though it will (these being presupposed) naturally and justly value every degree of approach to the perfection of the true style of the highest practical eloquence.

other faculty, it will be stimulated in proportion as it is possessed; and if that which kindles it be indeed the inspiration of nature and genuine feeling, its more frequent manifestation will not offend; in that case, it is Nature that speaks, and she will vindicate herself by the *forms* she assumes. For though the dialects of Nature are many, her language is one.

Temperate as is the style of Demosthenes in this respect, we apprehend that if we could appreciate *all* the metaphors which lurk unsuspected in what now appear common terms, if we could detect every latent trope, every novel application of a familiar idiom, just as the ear of a native Greek could, we should find many a passage lighted up with a phosphorescent lustre of imagination where we now little suspect it; animated with a life which, circulating in the words themselves, and not disclosed to us by the formalities of simile, the 'cold obstruction' of a dead language conceals from us. We see only the outlines of the figures on the tapestry; the vivid colours have paled by time.

Take, again, the undeniably true principle, that the object of the orator being conviction and persuasion, and even conviction only that he may persuade; pleasure *as such*, however refined, is not to be sought independently of the end aimed at; nor at all, *except* as energy and harmony — striking images — 'apt words in apt places' are, though employed for another and a higher purpose, necessarily productive of pleasure, and, by being grateful, aid attention and facilitate the admission of argument; still, how wide are the limits, within which that maxim may be acted on with equal honesty, varied only by the powers of the speaker, not by the demands of style! Up to the stated limit the severest style admits of such pleasurable accessories; beyond it, the excitement of pleasure is felt to be foreign, and the ornaments intended to effect it, however grateful in themselves, a correct taste at once pronounces to be meretricious. We repeat, that the problem is one of limits, dependent on the qualities of mind in the speaker. With equal honesty of purpose, with equal intention of saying nothing merely to afford a delight alien from the purpose in hand, with equal desire to subordinate the very pleasure which an appropriate vehicle of thought, not only *will*, but *must* produce, how different will be the degree of pleasure which the compositions of different men inspire; and how much more effective, *because* a more pleasurable vehicle of thought, will be the one than the other!

No orator is to speak for the sake of producing pleasure; no orator is to speak (so far as possible) without producing pleasure!

A nice distinction, some will think; and some, perhaps, a downright paradox. Yet it is easily explained; for it simply means that the pleasurable is only to be aimed at by the orator for the sake of an *ulterior* end,—not for its own sake as an *ultimate* end. As Aristotle says in his introduction to his analysis of those qualities which ought to distinguish the true style of eloquence, 'It is naturally delightful to all men to receive instruction in 'forms which give pleasure.' Now strictly adhering to this maxim, we say that conformity to it may be very variously exemplified by different orators; that is, that the application of the rule is still a question of limits. There is a point beyond which we can say that the object which ought to have been *merely* involved in a higher one, has been made more or less the principal, and therefore an offence has been committed; but still the limits are not inconsiderable *within* which no such faults are chargeable, and where the difference of pleasure from different styles of eloquence is inconceivably great.

Take, for example, the appropriate pleasure given by a flexible and harmonious style. Prose has its music as well as verse; not *like* that of verse, indeed, for one of its very excellences is freedom from everything which shall even remind the ear of metrical arrangement,—of aught that may suggest the idea of jingle or rhyme. Yet it has its characteristic melody not less than poetry itself; not that of the lyre or lute, which so easily 'weds itself to immortal verse,'—of measured cadences and complex harmony; but a wild and free, ever pleasant though ever varying music, like that of Nature; like that of the whispering winds and falling waters,—such as is heard by mountain streams or in the leafy woods of summer. Not less than poetry itself has prose its sweet and equable, its impetuous and rapid flow; its full and majestic harmonies, its abrupt transitions, its impressive pauses, its grateful though not regularly recurring cadence.

Now the effect on the minds of hearers, in fixing attention, in stimulating the memory and every other faculty, will immeasurably vary with the degree in which prose attains its appropriate excellences in different styles of an equally genuine eloquence; though in all, the aim with which it will be employed, and the kind and degree of pleasure it will impart, will be specifically different from those of verse. The human mind,—the mind of the uneducated as well as of the cultured,—is so constituted as to enjoy those excellences, and, by enjoying, to have every faculty to which the orator wishes to gain access for the purpose of operating conviction or persuasion *legitimately* stimulated. The pleasure, like that which is found in

many instances of a beneficent complexity in the ends contemplated by Nature (as in that of the palate as subordinated to digestion), is not a separate, nor the ultimate thing, but auxiliary to another and ulterior design. When wholesome food is relished, that very enjoyment is subservient to healthy digestion; and this may illustrate the pleasure which legitimate eloquence should impart; when the palate is tickled by dainties at the expense of the stomach, we are reminded of the error of meretricious oratory.

But still the degree in which the *pulchrum* may be made legitimately to conspire with the *utile* is a question of limits which will be differently resolved by different minds, and whether more perfectly or less, will depend both on their own structure, and on the taste and culture of the hearers.

No doubt the great leading principle which should determine the whole code of rhetorical maxims must be derived from the *design* of such compositions; and if a man carefully bears that in mind he will rarely fail in at least avoiding faults, if he has not the faculties which justify him in aspiring to the higher excellences of the oratorical art. But the point which we are more particularly desirous of illustrating is this,—that where there *are* such powers, the legitimate pleasure which their exercise will give will be very different in different men.—To employ one more illustration. If men, instead of the ordinary mode of writing, were to adopt a system like the picture-writing of ancient Mexico, there would be no doubt infinite degrees of the better and the worse in its exhibition,—approximations to a certain ideal 'perfection of style.' That which should give the symbols the elaborate finish and perfect detail of ordinary painting would certainly not be that 'perfection'; because another end than that of the painter's art ought to be contemplated. It would be as great a mistake, and of the same kind, to attempt to engraft the appropriate pleasures of poetry on eloquence. Still, just as in the employment of imagery, or of the various music of prose, by the orator, there would be no inconsiderable range in which the writers of such symbols might evince varying skill. Without wishing to give them any of the illegitimate attractions of the pictorial art, or doing anything *except* for the purpose (as Aristotle says) of making 'comprehension more easy,' by making it more 'pleasant,'— they might, by a thousand graces, and with no more time and effort than an inferior artist would expend, render the meaning more clear or more impressive, more distinct or more vivid.

If we examine these speeches of Mr. Macaulay, not simply by some abstract canons of ideal perfection in oratorical style, which

scarcely any man has exemplified, but by a due reference to the variable limits imposed by the variable structure of different minds,—limits within which the conditions of that style may be adequately complied with,—we must again profess our surprise at the degree in which many of these speeches fulfil those conditions. We have no scruple in saying they will in that respect sustain comparison with any speeches with which the whole range of British oratory has supplied us.

The orator whom Mr. Macaulay most resembles—and it must strike every reader—is Edmund Burke. We may go a step further; we affirm that measured by the usual practical tests —some we will shortly mention — these speeches, merely as *speeches*, are superior to those of Burke. Glowing with the characteristics of mind which distinguished Burke, Mr. Macaulay in the main has attained a far closer approximation to what the style of deliberative eloquence demands than Burke did; has exerted a more successful control over the splendid powers which may so easily, in relation to eloquence, allure into '*splendida* '*vitia*;' and subordinated more rigorously the entire elements of his mind to the duties and functions of the public speaker. Informed, like Burke, with the spirit of political philosophy, he more discreetly limits the 'circuit of its musings,' and makes it the servant, not the master, of his eloquence; equally affluent in vivid and original imagery,—imagery which, like that of Burke, is fed by sources almost boundless, and to which every realm of human knowledge is made tributary,—he has, in no case, fallen into the extravagancies into which Burke's daring genius not seldom hurried him. Possessed like Burke of an imperial command over all the treasures of the English language, Mr. Macaulay in the best passages of his speeches has attained, if not the ever various, flexile ease of his great prototype, yet greater point, condensation, and energy than it would be easy to parallel from Burke's most successful speeches.

Whatever the resemblances, and they are very striking, between the speeches of Burke and those of Mr. Macaulay, nothing can more clearly show what we have said as to the greater adaptation of the latter to the conditions of effective deliberative eloquence, than the contrast between the impatience with which the House listened to Burke, at least in his latter years, and the hearty welcome which it has always accorded to Mr. Macaulay. If this be not the solution, then all that can be said is, that the House of Commons must be a very different assembly from what it was in the time of the elder orator. Burke often managed to empty the House; Mr. Macaulay, if it be known that he is likely to speak, never fails to fill it. If the benches

are empty when he begins, no sooner is it known that he is speaking, than numbers flock in, and hang on his accents with breathless attention. Certainly he does not want the testimonies to signal eloquence enumerated by Cicero, 'coronam multiplicem, 'judicium erectum, crebras assensiones, multas admirationes.' Another, and perhaps more effective proof of the power of his speeches is, that they have generally had an immediate effect in shaping the course of the debate; sometimes an appreciable, and, in one or two cases, if we are correctly informed, a decisive effect on the instant judgment of the House.*

* Success, if we except the rare case of immediately triumphing over adverse prejudices, is always a problematical proof of oratorical skill. The divinest eloquence, if the truth it urges be unwelcome, will too often stand little chance against *ad captandum* fallacies, which the prejudices and foregone conclusions of an audience will make them hug to their bosoms, and applaud to the echo. Just as a general may exhibit the highest strategetical and tactical skill, and yet be defeated by contingencies over which he had no control, and of which no human sagacity could have made him prescient; so the orator may often encounter prejudices against which the most cogent argument and the most powerful motives may be directed in vain; and none know this better than the *sacred* orator! For this reason we have always so much admired the definition of rhetoric given by Aristotle. 'It is not,' says he, 'the art which teaches us *how to per-* 'suade, but how to put together the things which on a given subject 'and occasion *ought* to persuade, or which are best *calculated* to per- 'suade'; Οὐ τὸ πεῖσαι ἀλλὰ τὸ ἰδεῖν τὰ ὑπάρχοντα πιθανὰ περὶ ἕκαστον.

The ease with which any orator may win golden opinions from an audience to whom he addresses only what flatters their vanity, or coincides with their wishes; and the agreeable 'exaltation' which attends the operation, are most amusingly ridiculed by Socrates in the Menexenus. The task, he says, of the public orators appointed to pronounce the public panegyrics on those who had deserved well of their country, is easy enough. He describes in an exquisitely ironical vein the pleasing self-inflation under which, as he pretends, he always listened to the encomiums on his country and his countrymen. Somehow, he tells us, they always sent him away thinking himself a far finer, nobler, and even *taller* fellow than he was! The pleasing delusion, he avers, sometimes remained with him for so long as four or even five days, during which he thought himself 'in the islands of 'the blest.' When Menexenus pities the condition of a certain panegyrist, who is likely not to be appointed in time to make due preparation, Socrates says, 'How so, my fine fellow? These folks are 'always provided with speeches ready made; and if not, it would 'not be difficult to extemporise on such subjects. If indeed it were 'required to eulogise the Athenians among the Spartans, or the 'Spartans among the Athenians, a persuasive and plausible orator 'would be required sure enough.'

Two errors of Burke, into which many great speakers besides Burke have fallen, Mr. Macaulay has discreetly avoided. It was not solely the excess of disquisition and illustration, of ill-timed wisdom and profuse imagery, which made the House impatient of Burke's speeches; it was as much the too frequent obtrusion of himself on the House, and his excessive length. Both these are serious errors. Mr. Macaulay is chargeable with neither. His appearances have been in the estimate of his audience only too infrequent, and have ever been most welcome. His speeches have generally been of very moderate dimensions compared with many of Pitt, Fox, Burke, Brougham, and many other of our greater orators. The generality of those in the present volume little exceed twenty pages; many, and yet on large subjects, are considerably under that. One, and only one,—on a very vast theme, the Government of India, (1833) —extends to forty pages. There is one also of thirty pages; of the rest none exceed twenty-five.

As to the *chefs d'œuvre* of most of our other orators, they have come down to us in so mutilated a form, that it is difficult to make any comparison of merit. We hardly know what Charles James Fox was in his very highest moods, so imperfectly has he been reported; though we hold it certain that he possessed more of the ancient *δεινότης*—of the essential characteristics of Demosthenes—than any other orator England has produced. We think so in spite of Lord Brougham's remarks on the differences between them, which after all affect rather the form than the soul of their eloquence. But the bulk of his reported speeches give, it must be confessed, but faint traces of the astonishing powers which all tradition has ascribed to him. We must say the same of Pitt. It may seem to many almost like profanity to say so, but we find the generality of their reported speeches desperately tedious reading. Of the speeches which have been more perfectly transmitted to us, revised like these of Mr. Macaulay by the speakers themselves, we know of none from which passages more happily combining all the characteristics of genuine deliberative eloquence could be produced than many in this volume. If challenged to justify the assertion, we should not hesitate to accept the challenge; we do not believe it possible to produce from any speaker passages which better exemplify the style we have been speaking of than the following extracts. We deliberately pit them, not merely for splendour of imagery or expression—but for argument, point, nervous energy, vivacity, variety, against any the doubter shall confront with them. Nor are they always the most powerful we could

produce; some we pass by for the reasons for which Mr. Macaulay has reluctantly published them, and some because they cannot be easily torn from the context.

We will commence with an extract from the speech on the 'Sugar Duties.' He thus powerfully exposes the inconsistency of those — many of them, by the way, had been advocates of slavery to the very last — who had qualms about the admission of slave-grown sugar from Brazil, and none about that of slave-grown cotton, tobacco, and rice from America:—

'Observe, I am not disputing the paramount authority of moral obligation. I am not setting up pecuniary considerations against moral considerations. I know that it would be not only a wicked, but a short-sighted policy, to aim at making a nation like this great and prosperous by violating the laws of justice. To those laws, enjoin what they may, I am prepared to submit. But I will not palter with them; I will not cite them to-day in order to serve one turn, and quibble them away to-morrow in order to serve another. I will not have two standards of right; one to be applied when I wish to protect a favourite interest at the public cost, and another to be applied when I wish to replenish the exchequer, and to give an impulse to trade. I will not have two weights or two measures. I will not blow hot and cold, play fast and loose, strain at a gnat and swallow a camel. Can the Government say as much? Are gentlemen opposite prepared to act in conformity with their own principles? They need not look long for opportunities. The Statute-book swarms with enactments directly opposed to the rule which they profess to respect. I will take a single instance from our existing laws, and propound it to the gentlemen opposite as a test, if I must not say of their sincerity, yet of their power of moral discrimination. Take the article of tobacco. Not only do you admit the tobacco of the United States, which is grown by slaves; not only do you admit the tobacco of Cuba which is grown by slaves, and by slaves, as you tell us, recently imported from Africa; but you actually interdict the free labourers of the United Kingdom from growing tobacco. You have long had in your Statute-book laws prohibiting the cultivation of tobacco in England, and authorising the Government to destroy all tobacco plantations, except a few square yards, which are suffered to exist unmolested in botanical gardens, for purposes of science. These laws did not extend to Ireland. The free peasantry of Ireland began to grow tobacco. The cultivation spread fast. Down came your legislation upon it; and now, if the Irish freeman dares to engage in competition with the slaves of Virginia and Havannah, you exchequer him; you ruin him; you grub up his plantation. Here, then, we have a test by which we may try the consistency of the gentlemen opposite. I ask you, are you prepared, I do not say to exclude slave-grown tobacco, but to take away from slave-grown tobacco the monopoly which you now give to it, and to permit the free labourer of the United Kingdom to enter into competition on equal terms, on

any terms, with the negro who works under the lash? I am confident that the three right honourable gentlemen opposite, the First Lord of the Treasury, the Chancellor of the Exchequer, and the late President of the Board of Trade, will all with one voice answer "No." And why not? "Because," say they, "it will injure the revenue. True "it is," they will say, "that the tobacco imported from abroad is "grown by slaves, and by slaves many of whom have been recently "carried across the Atlantic, in defiance, not only of justice and "humanity, but of law and treaty. True it is that the cultivators of "the United Kingdom are freemen. But then on the imported "tobacco we are able to raise at the Custom House a duty of six "hundred per cent., sometimes indeed of twelve hundred per cent.; "and, if tobacco were grown here, it would be difficult to get an "excise duty of even a hundred per cent. We cannot submit to this "loss of revenue; and, therefore, we must give a monopoly to the "slave-holder, and make it penal in the freeman to invade that "monopoly." You may be right; but in the name of common sense be consistent. If this moral obligation, of which you talk so much, be one which may with propriety yield to fiscal considerations, let us have Brazilian sugars. It it be paramount to all fiscal considerations, let us at least have British snuff and cigars.' (Pp. 341—343.)

A page or two further on occurs one of the most vivid pictures of the horrors of slavery ever presented to the public mind. Would to God every member of the American Union would read and ponder it!

'Then a new distinction is set up. The United States, it is said, have slavery; but they have no slave trade. I deny that assertion. I say that the sugar and cotton of the United States are the fruits, not only of slavery, but of the slave trade. And I say further, that, if there be on the surface of this earth a country which, before God and man, is more accountable than any other for the misery and degradation of the African race, that country is not Brazil, the produce of which the right honourable baronet excludes, but the United States, the produce of which he proposes to admit on more favourable terms than ever. I have no pleasure in going into an argument of this nature. I do not conceive that it is the duty of a member of the English Parliament to discuss abuses which exist in other societies. Such discussion seldom tends to produce any reform of such abuses, and has a direct tendency to wound national pride, and to inflame national animosities. I would willingly avoid this subject; but the right honourable baronet leaves me no choice. . . . I affirm, then, that there exists in the United States a slave trade, not less odious or demoralising, nay, I do in my conscience believe, more odious and more demoralising, than that which is carried on between Africa and Brazil. North Carolina and Virginia are to Louisiana and Alabama what Congo is to Rio Janeiro. The slave states of the Union are divided into two classes, — the breeding states, where the

human beasts of burden increase and multiply, and become strong for labour, and the sugar and cotton states, to which those beasts of burden are sent to be worked to death. To what an extent the traffic in man is carried on we may learn by comparing the census of 1830 with the census of 1840. North Carolina and Virginia are, as I have said, great breeding states. During the ten years from 1830 to 1840 the slave population of North Carolina was almost stationary. The slave population of Virginia positively decreased. Yet, both in North Carolina and Virginia, propagation was, during those ten years, going on fast. The number of births among the slaves in those states exceeded by hundreds of thousands the number of the deaths. What then became of the surplus? Look to the returns from the Southern States, and from the States whose produce the right honourable baronet proposes to admit with reduced duty or with no duty at all, and you will see. You will find that the increase in the breeding states was barely sufficient to meet the demand of the consuming states. In Louisiana, for example, were we know that the negro population is worn down by cruel toil, and would not, if left to itself, keep up its numbers; there were, in 1830, 107,000 slaves; in 1840, 170,000. In Alabama, the slave population during those ten years much more than doubled; it rose from 117,000 to 253,000. In Mississippi it actually tripled. It rose from 65,000 to 195,000. So much for the extent of this slave trade. And as to its nature, ask any Englishman who has ever travelled in the Southern States. Jobbers go about from plantation to plantation looking out for proprietors who are not easy in their circumstances, and who are likely to sell cheap. A black boy is picked up here, and a black girl there. The dearest ties of nature and of marriage are torn asunder as rudely as they were ever torn asunder by any slave captain on the coast of Guinea. A gang of three or four hundred negroes is made up; and then these wretches, handcuffed, fettered, guarded by armed men, are driven southward as you would drive, or rather as you would not drive, a herd of oxen to Smithfield, that they may undergo the deadly labour of the sugar mill near the mouth of the Mississippi. A very few years of that labour in that climate suffice to send the stoutest African to his grave. But he can well be spared. While he is fast sinking into premature old age, negro boys in Virginia are growing up as fast into vigorous manhood, to supply the void which cruelty is making in Louisiana. God forbid that I should extenuate the horrors of the slave trade in any form! But I do think this its worst form. Bad enough it is that civilised men should sail to an uncivilised quarter of the world where slavery exists, should there buy wretched barbarians, and should carry them away to labour in a distant land; bad enough! But that a civilised man, a baptized man, a man proud of being a citizen of a free state, a man frequenting a Christian church, should breed slaves for exportation, and, if the whole horrible truth must be told, should even beget slaves for exportation; should see children, sometimes his own children, gambolling around him from infancy, should watch their growth, should become familiar with their faces, and should then

sell them for four or five hundred dollars a-head, and send them to lead in a remote country a life which is a lingering death, a life about which the best thing that can be said is that it is sure to be short; this does, I own, excite a horror exceeding even the horror excited by that slave trade which is the curse of the African coast. And mark; I am not speaking of any rare case, of any instance of eccentric depravity. I am speaking of a trade as regular as the trade in pigs between Dublin and Liverpool, or as the trade in coals between the Tyne and the Thames.' (Pp. 344—348.)

Our next extract shall be the noble peroration to the speech on 'Jewish Disabilities':—

"Another charge has been brought against the Jews, not by my honourable friend the Member for the University of Oxford; he has too much learning, and too much good feeling, to make such a charge; but by the honourable member for Oldham, who has, I am sorry to see, quitted his place. The honourable member for Oldham tells us that the Jews are naturally a mean race, a sordid race, a money-getting race; that they are averse to all honourable callings; that they neither sow nor reap; that they have neither flocks nor herds; that usury is the only pursuit for which they are fit; that they are destitute of all elevated and amiable sentiments. Such, Sir, has in every age been the reasoning of bigots. They never fail to plead in justification of persecution the vices which persecution has engendered. England has been to the Jews less than half a country; and we revile them because they do not feel for England more than a half patriotism. We treat them as slaves, and wonder that they do not regard us as brethren. We drive them to mean occupations, and then reproach them for not embracing honourable professions. We long forbade them to possess land; and we complain that they chiefly occupy themselves in trade. We shut them out from all the paths of ambition; and then we despise them for taking refuge in avarice. During many ages we have, in all our dealings with them, abused our immense superiority of force; and then we are disgusted because they have recourse to that cunning which is the natural and universal defence of the weak against the violence of the strong. But were they always a mere money-changing, money-getting, money-hoarding race? Nobody knows better than my honourable friend the member for the University of Oxford, that there is nothing in their national character which unfits them for the highest duties of citizens. He knows that, in the infancy of civilisation when our island was as savage as New Guinea, when letters and arts were still unknown to Athens, when scarcely a thatched hut stood on what was afterwards the site of Rome, this contemned people had their fenced cities and cedar palaces, their splendid temple, their fleets of merchant ships, their schools of sacred learning, their great statesmen and soldiers, their natural philosophers, their historians and their poets. What nation ever contended more manfully against overwhelming odds for its independence and religion? What nation ever in its last agonies gave such signal proofs of what may be accomplished by a brave despair? And if, in

the course of many centuries, the oppressed descendants of warriors and sages have degenerated from the qualities of their fathers, if, while excluded from the blessings of law, and bowed down under the yoke of slavery, they have contracted some of the vices of outlaws and of slaves, shall we consider this as matter of reproach to them? Shall we not rather consider it as matter of shame and remorse to ourselves? Let us do justice to them. Let us open to them the door of the House of Commons. Let us open to them every career in which ability and energy can be displayed. Till we have done this, let us not presume to say that there is no genius among the countrymen of Isaiah, no heroism among the descendants of the Maccabees.

'Sir, in supporting the motion of my honourable friend, I am, I firmly believe, supporting the honour and the interests of the Christian religion. I should think that I insulted that religion, if I said that it cannot stand unaided by intolerant laws. Without such laws it was established, and without such laws it may be maintained. It triumphed over the superstitions of the most refined and of the most savage nations, over the graceful mythology of Greece and the bloody idolatry of the northern forests. It prevailed over the power and policy of the Roman empire. It tamed the barbarians by whom that empire was overthrown. But all these victories were gained, not by the help of intolerance, but in spite of the opposition of intolerance. The whole history of Christianity proves that she has little indeed to fear from persecution as a foe, but much to fear from persecution as an ally. May she long continue to bless our country with her benignant influence, strong in her sublime philosophy, strong in her spotless morality, strong in those internal and external evidences to which the most powerful and comprehensive of human intellects have yielded assent, the last solace of those who have outlived every earthly hope, the last restraint of those who are raised above every earthly fear! But let us not, mistaking her character and her interests, fight the battle of truth with the weapons of error, and endeavour to support by oppression that religion which first taught the human race the great lesson of universal charity.' (Pp. 121—123.)

The following is a happy exposure of one of the prevalent fallacies by which the Corn Laws were once defended. It occurs in the speech delivered at Edinburgh (1845):—

'There was a time, Gentlemen, when politicians were not ashamed to defend the Corn Laws merely as contrivances for putting the money of the many into the pockets of the few. We must, so these men reasoned, have a powerful and opulent class of grandees: that we may have such grandees, the rent of land must be kept up; and that the rent of land may be kept up, the price of bread must be kept up. There may still be people who think thus: but they wisely keep their thoughts to themselves. Nobody now ventures to say in public that ten thousand families ought to be put on short allowance of food in order that one man may have a fine stud and a fine picture gallery. Our monopolists have changed their ground. They have abandoned

their old argument for a new argument much less invidious; but, I think, rather more absurd. Their hearts bleed for the misery of the poor labouring man. They constantly tell us that the cry against the Corn Laws has been raised by capitalists; that the capitalist wishes to enrich himself at the expense both of the landed gentry and of the working people; that every reduction of the price of food must be followed by a reduction of the wages of labour; and that if bread should cost only half what it now costs, the peasant and the artisan would be sunk in wretchedness and degradation, and the only gainers would be the millowners and the money changers. It is not only by landowners, it is not only by Tories, that this nonsense has been talked. We have heard it from men of a very different class, from demagogues, who wish to keep up the Corn Laws, merely in order that the Corn Laws may make the people miserable, and that misery may make the people turbulent. You know how assiduously those enemies of all order and all property have laboured to deceive the working man into a belief that cheap bread would be a curse to him. Nor have they always laboured in vain. You remember that once, even in this great and enlightened city, a public meeting called to consider the Corn Laws, was disturbed by a deluded populace. Now, for my own part, whenever I hear bigots who are opposed to all reform, and anarchists who are bent on universal destruction, join in the same cry, I feel certain that it is an absurd and mischievous cry; and surely never was there a cry so absurd and mischievous as this cry against cheap loaves. It seems strange that Conservatives, people who profess to hold new theories in abhorrence, — people who are always talking about the wisdom of our ancestors, should insist on our receiving as an undoubted truth a strange paradox never heard of from the creation of the world till the nineteenth century. Begin with the most ancient book extant, the Book of Genesis, and come down to the parliamentary debates of 1815; and I will venture to say that you will find that, on this point, the party which affects profound reverence for antiquity and prescription has against it the unanimous voice of thirty-three centuries. If there be anything in which all peoples, nations, and languages, Jews, Greeks, Romans, Italians, Frenchmen, Englishmen, have agreed, it has been this, that the dearness of food is a great evil to the poor. Surely, the arguments which are to counterbalance such a mass of authority ought to be weighty. What then are those arguments? I know of only one. If any gentleman is acquainted with any other, I wish that he would communicate it to us; and I will engage that he shall have a fair and full hearing. The only argument that I know of is this, that there are some countries in the world where food is cheaper than in England, and where the people are more miserable than in England. Bengal has been mentioned. But Poland is the favourite case. Whenever we ask why there should not be a free trade in corn between the Vistula and the Thames, the answer is, "Do you wish our labourers to be "reduced to the condition of the peasants of the Vistula?" Was such reasoning ever heard before? See how readily it may be turned

against those who use it. Corn is cheaper at Cincinnati than here, but the wages of the labourer are much higher at Cincinnati than here: therefore, the lower the price of food, the higher the wages will be. This reasoning is just as good as the reasoning of our adversaries; that is to say, it is good for nothing. It is not one single cause that makes nations either prosperous or miserable. No friend of free trade is such an idiot as to say that free trade is the only valuable thing in the world; that religion, government, police, education, the administration of justice, public expenditure, foreign relations, have nothing whatever to do with the well being of nations; that people sunk in superstition, slavery, barbarism, must be happy if they have only cheap food. These gentlemen take the most unfortunate country in the world,—a country which, while it had an independent government, had the very worst of independent governments: the sovereign a mere phantom; the nobles defying him and quarrelling with each other; the great body of the population in a state of servitude; no middle class; no manufactures; scarcely any trade, and that in the hands of Jew pedlars. Such was Poland while it was a separate kingdom. But foreign invaders came down upon it. It was conquered; it was reconquered; it was partitioned; it was repartitioned; it is now under a government of which I will not trust myself to speak. This is the country to which these gentlemen go to study the effect of low prices. When they wish to ascertain the effect of high prices, they take our own country; a country which has been during many generations the best governed in Europe; a country where personal slavery has been unknown during ages; a country which enjoys the blessings of a pure religion, of freedom, of order; a country long secured by the sea against invasion; a country in which the oldest man living has never seen a foreign flag except as a trophy. Between these two countries our political philosophers institute a comparison. They find the Briton better off than the Pole; and they immediately come to the conclusion that the Briton is so well off because his bread is dear, and the Pole so ill off because his bread is cheap. Why, is there a single good which in this way I could not prove to be an evil, or a single evil which I could not prove to be a good?' (Pp. 424—426.)

Our last illustrations shall be from the speech on the 'Church of Ireland' (1845). We only regret that our space compels us to abridge our extracts. The whole exposure of the anomalies of that most anomalous institution is deeply instructive. Mr. Macaulay at the same time frankly absolves the present generation from all responsibility for the existence of such a church, and acknowledges the improvements in its administration,—happily yet greater in 1854 than in 1845.

'I cannot help thinking that the speeches of those who defend this Church suffice of themselves to prove that my views are just. For who ever heard any body defend it on its merits? Has any gentleman to-night defended it on its merits? We are told of the Roman

Catholic oath, as if that oath, whatever be its meaning, whatever be the extent of the obligation which it lays on the consciences of those who take it, could possibly prove this Church to be a good thing. We are told that Roman Catholics of note, both laymen and divines, fifty years ago, declared that, if they were relieved from the disabilities under which they then lay, they should willingly see the Church of Ireland in possession of all its endowments; as if anything that anybody said fifty years ago could absolve us from the plain duty of doing what is now best for the country. . . . . But is it by cavils like these that a great institution should be defended? And who ever heard the Established Church of Ireland defended except by cavils like these? Who ever heard any of her advocates speak a manly and statesmanlike language? Who ever heard any of her advocates say, "I defend "this institution because it is a good institution; the ends for which "an Established Church exists are such and such, and, I will show "you that this Church attains those ends?" Nobody says this. Nobody has the hardihood to say it. What divine, what political speculator, who has written in defence of ecclesiastical establishments, ever defended such establishments on grounds which will support the Church of Ireland? What panegyric has ever been pronounced on the Churches of England and Scotland which is not a satire on the Church of Ireland? What traveller comes among us who is not moved to wonder and derision by the Church of Ireland? What foreign writer on British affairs, whether European or American, whether Protestant or Catholic, whether Conservative or Liberal, whether partial to England or prejudiced against England, ever mentions the Church of Ireland without expressing his amazement that such an establishment should exist among reasonable men?

'And those who speak thus of this Church speak justly. Is there anything else like it? Was there ever anything else like it? The world is full of ecclesiastical establishments, but such a portent as this Church of Ireland is nowhere to be found. Look round the Continent of Europe. Ecclesiastical establishments from the White Sea to the Mediterranean, ecclesiastical establishments from the Wolga to the Atlantic, but nowhere the Church of a small minority enjoying exclusive establishment. Look at America. There you have all forms of Christianity from Mormonism, if you call Mormonism Christianity, to Romanism. In some places you have the voluntary system. In some you have several religions connected with the State. In some you have the solitary ascendancy of a single Church. But nowhere from the Arctic circle to Cape Horn do you find the Church of a small minority exclusively established. . . . . In one country alone is to be seen the spectacle of a community of eight millions of human beings with a Church which is the Church of only eight hundred thousand.'

'It is not necessary on this occasion to decide whether the arguments in favour of ecclesiastical establishments, or the arguments in favour of the voluntary system, be the stronger. There are weighty considerations on both sides. Balancing them as well as I can, I think that, as respects England, the preponderance is on the side of the

Establishment. But, as respects Ireland, there is no balancing. All the weights are in one scale. All the arguments which incline us against the Church of England, and all the arguments which incline us in favour of the Church of England, are alike arguments against the Church of Ireland;—against the Church of the few, against the Church of the wealthy, against the Church which, reversing every principle on which a Christian Church should be founded, fills the rich with its good things, and sends the hungry empty away.

'One view which has repeatedly, both in this House and out of it, been taken of the Church of Ireland, seems to deserve notice. It is admitted, as, indeed, it could not well be denied, that this Church does not perform the functions which are everywhere else expected from similar institutions,—that it does not instruct the body of the people, that it does not administer religious consolations to the body of the people. But, it is said, we must regard this Church as an aggressive Church, a proselytizing Church, a Church militant among spiritual enemies. Its office is to spread Protestantism over Munster and Connaught. . . . Cecil and his colleagues might naturally entertain this expectation, and might without absurdity make preparations for an event which they regarded as in the highest degree probable. But we, who have seen this system in full operation from the year 1560 to the year 1845, ought to have been taught better, unless, indeed, we are past all teaching. Two hundred and eighty-five years has this Church been at work. What could have been done for it in the way of authority, privileges, endowments, which has not been done? Did any other set of bishops and priests in the world ever receive so much for doing so little? Nay, did any other set of bishops and priests in the world ever receive half as much for doing twice as much? And what have we to show for all this lavish expenditure? What but the most zealous Roman Catholic population on the face of the earth? Where you were one hundred years ago, where you were two hundred years ago, there you are still, not victorious over the domain of the old Faith, but painfully, and with dubious success, defending your own frontier, your own English pale. Sometimes a deserter leaves you. Sometimes a deserter steals over to you. Whether your gains or losses of this sort be the greater I do not know, nor is it worth while to inquire. On the great solid mass of the Roman Catholic population you have made no impression whatever. There they are, as they were ages ago, ten to one against the members of your Established Church. Explain this to me. I speak to you, the zealous Protestants on the other side of the House. Explain this to me on Protestant principles. If I were a Roman Catholic I could easily account for the phenomena. If I were a Roman Catholic I should content myself with saying that the mighty hand and the outstretched arm had been put forth, according to the promise, in defence of the unchangeable Church; that He who in the old time turned into blessings the curses of Balaam, and smote the host of Sennacherib, had signally confounded the arts of heretic statesmen. But what is a Protestant to say? He holds that, through the whole of this long conflict, during

which ten generations of men have been born and have died, reason and Scripture have been on the side of the Established Clergy. Tell us, then, what we are to say of this strange war, in which reason and Scripture, backed by wealth, by dignity, by the help of the civil power, have been found no match for oppressed and destitute error? The fuller our conviction that our doctrines are right, the fuller, if we are rational men, must be our conviction that our tactics have been wrong, and that we have been encumbering the cause which we meant to aid. . . . . And this is the fruit of three centuries of Protestant archbishops, bishops, archdeacons, deans, and rectors. And yet where is the wonder? Is this a miracle that we should stand aghast at it? Not at all. It is a result which human prudence ought to have long ago foreseen and long ago averted. It is the natural succession of effect to cause. If you do not understand it, it is because you do not understand what the nature and operation of a Church is. There are parts of the machinery of Government which may be just as efficient when they are hated as when they are loved. An army, a navy, a preventive service, a police force, may do their work whether the public feeling be with them or against them. Whether we dislike the Corn Laws or not, your custom-houses and your coast guard keep out foreign corn. The multitude at Manchester was not the less effectually dispersed by the yeomanry, because the interference of the yeomanry excited the bitterest indignation. There the object was to produce a material effect; the material means were sufficient, and nothing more was required. But a Church exists for moral ends. A Church exists to be loved, to be reverenced, to be heard with docility, to reign in the understandings and hearts of men. A Church which is abhorred is useless, or worse than useless; and to quarter a hostile Church on a conquered people, as you would quarter a soldiery, is therefore the most absurd of mistakes. This mistake our ancestors committed. They posted a Church in Ireland just as they posted garrisons in Ireland. The garrisons did their work. They were disliked. But that mattered not. They had their forts and their arms, and they kept down the aboriginal race. But the Church did not do its work. For to that work the love and confidence of the people were essential.' (Pp. 385—390.)

There is one praise to which we rather think every one will allow Mr. Macaulay to be entitled above almost every orator that ever lived — that of having managed in an eminent degree to solve the difficult problem of uniting the qualities of a discourse adapted to the meridian of a popular assembly (the most fastidious of all such assemblies listens to him with the most marked attention) with those which will make it interesting as a speech to all readers and for all time. The things, in fact, are to a certain extent incompatible, and have generally been in no tolerable measure combined. The more perfect the orator's skill — the more exact his adaptation to the claims of his subject and the character of his audience, the more com-

pletely his speech is evolved *ex visceribus causæ*, the feebler will be his hold on readers in general, especially when a few years have passed away, and made allusions obscure or robbed the topics themselves of all interest. On the other hand, the more adapted his discourse to excite universal interest and to appeal to the sympathies of after ages—the more rich in maxims of universal application, and the more adorned with beauties which cannot fade by time—the less exact will be the adjustment to the occasion and the audience. Demosthenes would probably inspire a more general interest, though less admiration of his oratorical skill, if he had more freely expatiated on such topics as Burke loved to treat, and Burke would have less moved the impatience of the House,—which, with all his vast powers, he often fairly put to flight,—had he more severely excluded the topics which will make him the delight of all posterity.

Critics have sometimes made it an objection to Mr. Macaulay's speeches that they are so carefully *elaborated*. If the objection went to show that the elaboration was of a sort at variance with simplicity and singleness of purpose; that the desire to impart intellectual gratification transcended the limits already spoken of, or seduced the orator into a pursuit of beauties which, merely amusing the imagination, had no relation to the subject in hand, and no tendency to facilitate a comprehension of it, the objection would be of force—nay, would be fatal. But this cannot, with the slightest justice, be pretended. The frequency of the imaginative element—the vivid colouring of the diction—the profuse, but ever apt examples—the peculiarities of construction,—all flow simply from the natural qualities of the intellect of the speaker, naturally exhibited; and where this is the case, it cannot be said that the speaker has trespassed on ease or nature. Elaboration within such just limits—a strenuous effort (as the wisest of men has expressed it) to '*seek out* apt words'—to discover the selectest and most forcible modes of expression—is, so far from being a reproach, one of the chief merits of a speaker. The utmost elaboration of *this* kind is pardonable enough. If a reproach at all, it is one which we are simple enough to wish that the generality of public speakers were more ambitious of incurring. Since the Prince of Orators himself always prepared with the utmost diligence for public speaking, instead of contenting himself with stumbling here and there on a casual felicity, can it be any discredit in any other to do the like? He *could* speak extemporaneously indeed, and sometimes did so; but it is on record that he never did so if he could help it. He left nothing to chance which he

could secure by foresight and skill — nothing to the inspiration of the moment, which deliberate industry could secure. And, in general, such industry, let genius be what it will, secures its own recompense in this as well as in other respects — that even the so-called *inspiration* is most likely to reward with its illapse him who has been thus diligent in preparation. The most unlooked-for felicities, both of thought and expression, will, *after* such preparation, often suddenly flash into unbidden existence under the glow of actual speaking; felicities of which in the process of preparation the mind may never have caught even a glimpse. But then this happy excitement of all the faculties is only possible to the mind when prolonged preparation has suggested all the trains of thought *likely* to stimulate emotion, and has already in part stimulated it; and, above all, has insured that self-possession in the treatment of the subject without which the boasted 'inspiration' never visits, or is likely to visit, the most eloquent speaker. It is preparation which piles the wood and lays the sacrifice, and then the celestial fire may perchance descend. The entire water in the vessel must have its whole temperature slowly raised to the boiling point; and then, and not till then, it 'flashes into steam.'

Nor is it more than an apparent objection to this that some sudden bursts of the most powerful eloquence have been *in reply.* This is quite true, though such (generally brief) speeches are not to be compared with the highest specimens of eloquence — as, for example, the speeches *περὶ παραπρεσβείας*, or *περὶ στεφάνου.* Let it be confessed, however, that some replies, strictly extemporaneous, have been among the most remarkable examples of oratorical power. It is still not to be forgotten, first, that the admiration of such efforts is generally disproportioned to their intrinsic merits, simply because they are *replies;* just as a repartee is excellent because it is a *repartee,* and would often lose all its brilliancy if it could be supposed premeditated. But secondly, not only do the few apparent exceptions confirm the rule, but, in fact, they are very rarely any exceptions at all. When a man *replies* to another, the very fact usually shows that he has already been studying the whole bearings of the subject; the very arguments of his opponent have given him his brief, suggested his materials, and generally even the order and method of his topics*, while, if there has been anything of

* It is well observed in a recent number of the 'Quarterly 'Review,' of Mr. Disraeli, certainly one of the readiest debaters the House of Commons ever produced — 'An ever-ready speaker, 'his premeditated orations, that is to say, those over which he has

animosity between the men, the very attack itself has tended to provoke into uttermost intensity all those energetic passions which sway the intellect and the fancy at their will.

We cannot quit this subject without repeating our earnest wish that the generality of public speakers were a little more likely to incur the reproach of prolonged preparation. It would be a great saving to the public of time and patience: less would be said, and yet more; more matter in fewer words. Not, of course, that we plead for carefully written compositions, and the exact delivery thereof from memory even to the precise reproduction of every little beggarly particle and connective; nor do we plead, indeed, for written compositions at all. A servile adherence to manuscript, however pardonable or necessary it may be during early attempts and for a limited time, is not only a sure method of extinguishing all the more pointed characteristics of the vivid *spoken* style, but involves an intolerable bondage, of which a mind of great power will, at the earliest possible period, seek to rid itself. There is 'a more excellent 'way' for the experienced speaker, or one who has tolerably advanced in the art; and it should be his early ambition ultimately to perfect himself in it. He must write indeed much at one time or another, and continue to write on some subjects or other (and that carefully) all his days, if he would attain and perpetuate that general accuracy and command of language — copious as regards the sources of diction, precise as regards the selection of terms, and closely articulated as regards construction — without which a speaker can never attain the crown of excellence. Still, though speeches need not be composed, for this we contend, — that a speaker, if he would do himself and his audience justice on any great occasion, should give himself to a preparation so prolonged (probably it would demand nearly as large expenditure of time as if every word had been written and committed to memory) that the substance and the method, the matter and order, of the thoughts shall be perfectly familiar; further, that he shall not only be in complete possession of sharply defined thoughts, and the precise order in which they shall be delivered, but that his mind shall glow with them; that he shall 'muse' till 'the fire 'burns'; till every faculty in the degree in which it may be

'had some time — no matter how short — to ponder, are nevertheless 'infinitely better than those prompted by the exigency of the mo-'ment. He will sometimes from this cause reply better to the earlier 'part of an antagonist's argument than to its close, and his own 'peroration is seldom so effective as what, in dramatic language, 'may be called the crisis of his speech.'

possessed is fairly kindled. The task is not complete till not only the arguments and illustrations have been supplied to memory, but even (as will be the case in the course of such preparation) the most felicitous terms, the most salient phrases, have been suggested, and are vividly present; after which they will be almost sure to suggest themselves at the right moment, recalled by the matter in which they are imbedded, and with which they are indissolubly connected by the laws of association. In this case the 'beggarly particles,' as we have called them, the 'buts' and the 'ands,' and the 'ifs,' and the other connectives, as well as the little forms of construction and collocation, may be disregarded, or left to take care of themselves. They will not constitute (as in the case of exact reproduction from written composition) an oppressive burden to the memory,—producing, where the effort of memory has not been quite perfect, a feeling of constraint and frigidity in the delivery; or where it *has* been perfect, the appearance, not less undesirable, of artificiality in the composition.

Such preparation as this, we heartily wish we could trace a little more of, among our public speakers; and if it be a reproach at all, that they would graciously incur it. We should not, in that case, have to toil so wearily through arid and sterile deserts of mere verbiage. The House of Commons, in particular, would not have its invaluable time wasted in listening to negligent and pitiless diffuseness, nor the columns of the 'Times' and the pages of 'Hansard' so often filled with 'vain repe-'titions.' Neither would there be such sudden hurry just at the close of the session in carting the legislative harvest, which the House of Lords declares that there is no time to gather into the garner, and leaves to rot on the ground! It cannot, we fear, be denied that there are numberless speeches of three or four columns, the whole substance of which is perfectly reproduced, and often with great accession of point and perspicuity, in the little summaries with which some of the leading newspapers give the results of a night's debate. Merciful condensations to a busy world! How little need the public envy the long sittings of their senators, able as they thus are to pluck in ten minutes the little fruit from amidst the redundant foliage of the 'Collective Wisdom!'

There is one character in which, it must be confessed, Mr. Macaulay has achieved less reputation than many other men in every way his inferiors; much less, we are convinced, than he might have achieved had he made it the object of his ambition, — we mean as a debater. The parliamentary duello, no doubt, when the talents for this species of con-

test are of the first order, has a strong tendency to bring out, in all their perfection, the characteristics of what is then, most literally, the 'wrestling style.' We think Mr. Macaulay's comparative inferiority for this sort of work is easily accounted for; partly from the character of his mind, and partly from his never having particularly aspired to success in it. To take the last first. It can hardly be doubted that with such diversified knowledge, accuracy, and promptness of memory, activity of suggestion, fertility of imagination, and imperial command of language, he might have done far more in this way, than he has ever done; since minds of far less compass and endowments than his own have, with perseverance, made themselves (even after years of comparative failure) very accomplished debaters. But it is equally evident that he has never been very solicitous of this species of reputation; and we cannot blame him. These conflicts are necessarily attended with much that is unpleasant in the acting, and when party spirit runs high, not a little that is unpleasant in retrospection. A mind that is not decidedly 'combative,' or that has much sense of dignity, naturally shrinks from the close encounter with individuals, and prefers the task of expounding and defending political views on general grounds, and with the least possible reference to opponents. Exciting, no doubt, is this species of intellectual gladiatorship, when private animosity, and the rivalry of ambition, sharpen political differences, and the combatants, in fierce personal grapple, shorten their swords for a death-blow. But it requires, perhaps, that a man should have a little of the savage about him, as well as many other qualities, to insure much renown in it.

But the other obstacle hinted at is not less in Mr. Macaulay's way. The disquisitory character of his intellect better loves the serener regions of politics—perhaps, we ought to say, its less turbulent regions, for which of them is serene? It is evident that he prefers, wherever it is possible, an exposition of his views unfettered by polemical considerations; and, indeed, he never contents himself with a mere running fight through the several topics of an antagonist's argument. Admirable as are many of his replies to previous speakers—and some of them are very effective specimens of debate—they have generally been delivered after a little interval for reflection, are for that reason couched in a courteous and temperate tone, and as might be expected from the qualities of mind on which we have just been insisting, abound in argument and illustration which overlap the limits of mere confutation, and show how willingly the speaker bounds away to aspects of his subject independent of party conflict. In one or two places he frankly

avows (what his speeches show) how little ambitious he is of achieving only a debater's triumphs.

Though, as we have already said, we cannot doubt that a mind so richly endowed could, by sedulous practice, have obtained a much larger reputation for this species of oratory, a more than usually lengthened practice (always indeed a condition), would probably have been necessary in his case; and that from those very characteristics of mind which fit him for a more comprehensive treatment of political questions. The more large a man's views, the more ample his stores of knowledge, the more difficult often is it to adjust himself to the rapid movements of that guerilla warfare in which debaters chiefly shine. It is a curious and true observation of one of our philosophic writers, that minds of the first order often require longer time for the acquisition of the habit of adroit adaptation to the ordinary exigencies of life, than men of far inferior powers, who yet can brilliantly manœuvre their more manageable forces on a more limited field. The former are often too fastidious, too solicitous in marshalling their battalions, to do themselves extemporaneous justice. They must have their conclusions based on the most comprehensive survey, their method and argumentation without a flaw, their front and their rear alike cared for, before they will move—and while they are pausing how to effect the best disposition of their forces, the occasion, which demanded only a skirmish, is apt to pass away, and the light-heeled and light-armed enemy has vanished from the field.

We have, of course, looked at this volume chiefly in its oratorical character. We have done so because it is a volume of 'Speeches,' and challenged especial notice in that respect. Nor is it necessary to dwell on Mr. Macaulay's political views, maintained throughout life with a very remarkable consistency; with singular moderation indeed, but also with unflinching courage and decision. They are sufficiently known; they are very definite, and have been, for the most part, those which have been maintained in this Journal, and not seldom discussed there by himself. In his speeches, in his essays, in his history, the same traits appear. Points there are of secondary importance, and one or two not secondary, in which many would contest his opinions; but on all the great occasions on which he has delivered his votes, there are now few of his countrymen who would not acknowledge that they were given on the better side. They have been identified with all the great reforms, political, social, and economical, which have signalised our epoch. Ardently attached to liberal opinions, and anxious to make them triumphant, Mr. Macaulay's zeal as a reformer has been tempered by the cautious

maxims which a profound political philosophy as well as a most extensive survey of history have taught him — that reforms to be really beneficial must be temperate and timely, and that if, as in the case of the Reform Bill, they are of necessity large, because payment of long arrears has become necessary, it is in itself no matter of triumph, but a thing to be deeply deplored. Distrustful of all theories which cannot plainly appeal to the analogies and experience of the past and safely link that past to the present — distrustful of all changes which threaten to dissolve the continuity of political habit, feeling, and association — he has never denounced the rankest abuses that ever demanded reform more vividly than the perilous and visionary schemes of democratic fanaticism. Heartily despising the pedantry of political philosophy, his speeches (as well as his other productions) are everywhere deeply imbued with the genuine spirit of that philosophy. In the practical application of the abstract principles of politics, he constantly bears in mind, with Bacon and Burke, that the political art is necessarily akin to grafting rather than planting; that its task is to enlarge, repair, and beautify the old rather than build anew; to modify conditions always given rather than to create them. Zealous as Mr. Macaulay was for Reform, the whole series of splendid speeches on that subject everywhere show that he was chiefly anxious for it that it might avert (as it *did* avert) Revolution. They abound with striking commentary, enforced by the most enlightened appeals to historic induction, on that saying of our 'greatest' and 'wisest,'—'Morosa morum re-'tentio res turbulenta est, æque ac novitas.' Nowhere are the great lessons of this cautious practical philosophy — which seeks to maintain the equipoise between ardent aspirations for improvement and just reverence for antiquity, more powerfully taught or more felicitously illustrated than in these speeches on Reform, which we recommend, no less for their wisdom than their eloquence, to the attention of our youthful countrymen. So long as the principles they unfold animate Englishmen, the progress of the nation will be steady and safe; there will be no fear lest the continuity of love and veneration for institutions should be dissolved; that love and veneration which are as essential to the stability of laws as intrinsic excellence in the laws; the presence of which will often make the worst polities strong, and the absence of which must leave the best weak.

We must not close this article without paying a tribute to the transparent honesty and independence which have ever characterised Mr. Macaulay's political career both in Parliament and at the hustings. However moderate in his views, they have

been most decidedly expressed; in entire independence alike of party and faction, of court or commons, of aristocrat or democrat. With his constituents, he has been sometimes charged with being too *brusque;* but amidst the numerous examples of servility at the hustings, the failing is one which Englishmen may readily forgive. His independent conduct in his relations with his constituents, is well worthy of imitation; and we question whether since Burke delivered his celebrated speech at Bristol, any one has ever more unflinchingly and thoroughly carried out its maxims. He has said his say to his constituents on the most critical occasions in the most downright way. He has been the very Coriolanus of the hustings. He has abated nothing, disguised nothing. Though for a short time banished from Edinburgh, the result showed that his constituents could appreciate the independence and self-respect of one who, though deeply sensible of the honour of a seat in Parliament, could not compromise anything to gain it; and his unsolicited re-election by that great constituency was equally honourable to him and to themselves.

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ART. VII. — 1. *Report of Commissioners on Promotion in the Army, with an Appendix.*

2. *Speech of the Right Honourable Sidney Herbert, on moving Army Estimates.*

AMONG the many ills which accompany a state of warfare, there is none of more inevitable occurrence than this, that the application of science to the management of public affairs is to a great degree interrupted by it, and plans matured, and perhaps arranged for the social and political improvement of a nation, cease to be regarded as practicable. Even we, whose knowledge of military operations is gathered chiefly from the reading of Gazettes, have had our own experience of this sad truth. Throughout the whole course of the great war of the French Revolution, and for many years after it had been brought to a triumphant issue, the national mind in this country lay as it were in a stupor. Nothing could be thought of in high quarters except how to provide the means of meeting what was assumed to be a necessary expenditure. Money must be raised somehow or other, taxes must be imposed to cover the interest of the loan, and happy was the statesman who succeeded in accomplishing these objects upon terms which did not utterly shock the moral sense of a not very fastidious House of Commons. As to reforms in

Church and State, they were not only never proposed by the Ministers of the Crown, but they were reprobated. If the people ventured to complain that they were imperfectly represented in Parliament, the complaint was met by a suspension of the Habeas Corpus Act, and Members themselves were carried prisoners to the Tower for presuming to affirm that the people were in the right and their rulers in the wrong. Moreover, when the war ceased, neither the Government nor the Legislature thought it necessary to consider the physical necessities of the multitude. A property-tax, which fell heavily upon the rich, was indeed repealed. But Corn-laws were enacted to enhance the price of bread to the poor, and Customs and Excise effectually debarred them from the enjoyment of small luxuries, except through the intervention of the smuggler.

And yet ere that terrible war broke out Mr. Pitt had more than meditated arrangements for the establishment of Free Trade, the extension of the Suffrage, and the removal of political disqualifications, arising out of the opinions which men held on the subject of religion.

It cannot be said that as yet the Russian war has brought the full measure of these calamities in its train. Doubtless we owe to it the postponement of Lord John Russell's plan of Parliamentary Reform; though, even in a state of profound peace, this question would be unpalatable to the House of Commons, and would be reluctantly entertained, unless it were pressed upon them by a strong feeling out of doors. Probably, too, the consideration that there are fleets and armies abroad to be supplied, may have facilitated the defeat of the Scottish Education Bill, and other Ministerial measures of a like useful tendency. But to counterbalance these mishaps, we have one great and important fact to appeal to, namely, that now at length, and only now, the general question of army administration seems about to be taken up, and that both the Government and the Legislature appear disposed to deal with it in the most liberal spirit. To be sure, the matter to be wondered at with all who have had any opportunity of looking behind the curtain, is — that a state of things so anomalous as that of which the end may be assumed to be approaching, should have been permitted so long to exist. Yet, even they must not forget that it is much easier to observe the defects in an established system, than to suggest, far more to apply, the proper remedies. In this country, especially, the *vis inertiæ* is of immense weight. As a people we dislike change. As a free people we are governed, and desire to be governed, rather through influence than by force. The Crown can act only as the Legislature gives it authority. The servants of the

Crown can carry no measures except by appealing to the judgment, or it may be, to the personal ambition or personal wants, of Members of Parliament. We do not, however, believe that with the single view of increasing the amount of government patronage, such functionaries as Master-General of the Ordnance, Secretary-at-War, Commander-in-Chief, First Lord of the Treasury, and Minister of War and the Colonies, were separately and in combination appointed to administer the affairs of the army. They are, on the contrary, the produce of time and events; originating one by one in the demands of a bygone age, and one by one as each came into play, operating a prodigious relief for the moment to some other overloaded department. Moreover, the constitutional objection to a standing army, which was a recognised principle of our government up to a comparatively recent period, prevented the consolidation of the military offices into one powerful superintending department, which would have stood to the army in the same relation in which the Admiralty stands to the navy. The result has been that the administration of the army has been divided between different functionaries, each possessing a fragment of official power, but acting independently of the others. Take, as examples of our meaning, two of the five heads of departments, each of which exercises a certain amount of antagonistic authority in military matters: we mean the Secretary-at-War and the Master-General of the Ordnance. The former, whose origin it is difficult to ascertain, has been in existence since the reign of Charles II. Consider what in course of time he has become. On him now devolves the duty of moving, from year to year, the army estimates, and of defending the military policy of the Government in the House of Commons. He compiles and enforces attention to the regulations which bear upon what may be called the social and moral condition of the Queen's troops. He fixes the amount and manner of the soldiers' payments. He determines how many women shall be allowed to accompany their husbands into barracks at home, and into the field abroad. He directs and controls the education of the soldiers and of their children. He provides for the ministration of the rites of their religion to our regiments. He grants or withholds, to officers and men, compensation for losses incurred in the way of service, and allowances which may cover the extra charge of shifting quarters at home, and of field equipment abroad. Not a man can be moved from one town to another in Great Britain without his concurrence, for he holds the purse-strings, and marching, even in Great Britain, is expensive. He is, in fact, complete master of the machine so far, that unless he put his hand to the main-

spring, it cannot work at all. And yet observe the unsatisfactory nature of his position.

The Secretary-at-War may prevent the army, or any portion of it, from moving; but he has no power, *per se*, to move a corporal's guard. His regulations, however wise, are of no authority, unless enforced by the Commander-in-Chief. And there are instances within our recollection, — no longer, we are sorry to say, limited to a few years, — when Secretary-at-War and Commander-in-Chief did take opposite views of things, to the great interruption of public business, and the extreme inconvenience of individuals. Moreover, the Secretary-at War is debarred by the Constitution from all direct communication with the Crown. Whatever he desires to bring about, he must apply for through the Colonial Secretary or the Commander-in-Chief. In theory, therefore, he is a very secondary personage indeed—in practice he is all but supreme. And this he has become in the course of little more than sixty years, by a process (we do not mean to use the expression in any unworthy sense) which can be described as neither more nor less than one of constant aggression. From day to day he has encroached, and been permitted to encroach, upon the functions as well of the real war minister as of the officer intrusted by the Crown with the absolute command of its troops, till at length, though a civilian, he has acquired more control over the army than is possessed by the whole body of its officers put together.

Turn now to the Master-General of the Ordnance, whose position is in many respects quite as anomalous as that of the Secretary-at-War, and the history of his progress towards it much more curious. In the person of General Lord Raglan we find at this moment the representative of a whole host of officers, who from a period long antecedent to the invention of gunpowder, discharged their needful but not very dignified duties under every English and indeed every European sovereign. Each royal castle or arsenal contained one of them, who was responsible for the stock of battering-rams, balistas, bows, and other engines of war therein deposited. It is true that an individual of superior rank went forth with the army as often as it took the field. And his charge lay especially with what we should now term the siege train, as well in men as in *matériel*. But like other commanders subordinate to the leader of the host, he was subject in everything to the orders of his superior, and his functions ceased as soon as the campaign came to an end.

The introduction of cannon into the equipments of armies, gave by degrees increased importance to this office. Instead of distributing the charge of the train through a multitude of

seneschals, of whom each was responsible to the constable immediately set over him, a master of the ordnance was appointed, to whom the Crown looked for keeping its artillery in serviceable condition, and for carrying it in good order into the field. By little and little the master's powers extended themselves. He became first an artillerist, and then the trainer of artillerists When standing armies took the place of the feudal array, and a distinct regiment of artillery was formed, he assumed the command of it; till by and by all the more scientific branches of the service were put under his control. It became his duty thenceforth to superintend the construction of projectiles, and the fabrication of gunpowder, which of course he was enabled effectually to accomplish only with the aid of a board. We believe that it was in the reign of Queen Anne that the Ordnance Office received the constitution which still belongs to it; and we are deceived if, in almost every essential point, the forms of its proceedings be not, at this day, exactly what they were then. Particular offices have indeed arisen since and disappeared. We have had, for example, and lost, and recovered again our lieutenant of the Ordnance. There have been six, then four members of the board, besides its chief; we believe that now there are three,—a surveyor, a clerk, and a controller,—all of them heads of departments. But as well collectively as separately these functionaries work pretty much as their predecessors did when the Duke of Marlborough complained, as the Duke of Wellington complained after him, of the exceeding inefficiency of his batteries.

The last accession made to the influence of the Board of Ordnance, and not the least important, occurred when the barrack department ceased to be independent. This change, which was in some measure forced upon the Duke of Wellington's administration, threw into the hands of the Master-General complete control over all buildings in all parts of the empire which are, or are proposed to be, erected for the use of the troops and the accommodation of their stores. Of his own movement, indeed, the Master-General can neither build up nor pull down. He is in theory the mere executive of the Commander-in-Chief's pleasure, signified through the Quartermaster-General. But without his concurrence neither can a stone be cut nor a foundation dug; so that however pressing the emergency may be, there is no power anywhere to meet it except after repeated and often very wayward references from one department of the state to another.

In a word, the Board of Ordnance has grown out of a collection of mere storekeepers, to be one of the great controlling

influences in the military affairs of this country: which can perform no separate act whatever, but without whose concurrence neither army nor navy can be supplied with cannon, muskets, powder, shot, or shells. Indeed, as far as the army is concerned the absurdity extends farther. The right hand of its strength is by our system of management entirely isolated; for the Master-General alone can issue orders to the corps of artillery and engineers, provide for their equipment, and superintend their discipline. The Commander-in-Chief may assemble and send abroad, by order of the Crown, communicated to him through the colonial minister, any amount of infantry or cavalry; but he cannot ship a battery or a company of sappers. That must be done through the Master-General; while the Secretary-at-War by refusing the funds required may, if he please, stop the whole operation; exactly as his wishes in regard to schools, chapels, and it may be the moral and intellectual improvement of the army at large, are liable to be impeded, if not entirely thwarted, by opposition from the Commander-in-Chief, or the Master-General, or both. Nay, more, the arming of infantry and cavalry, not less than artillery, depends altogether upon the Board of Ordnance. A thousand men may be got together and regimented, but not a musket can be removed from the Tower to put into their hands till the Master-General shall direct. Indeed it was but the other day that a draft from the depôt-battalion, at Winchester, which had received orders to embark at Portsmouth in the course of a week, was detained considerably beyond the stated period, because the board, in the hurry of other business, either forgot or neglected to give directions for the issue to the men of Minie rifles, without which it was assumed that they would have been useless as a reinforcement to the army in Turkey.

But we have not yet done with the anomalies which give its peculiar character to the military system of Great Britain. You may have men and *matériel* in abundance, and the authorities which control them, though distinct in themselves, may so bend their wills to a common object, that they shall produce, as far as they are concerned, perfect unity of purpose. But if you rely for your means of sustenance and transport on some third power which is independent of both, you are still at the mercy of accidents which may prove too strong for you. Now this is exactly our condition. With us Infantry and Cavalry are moved by the Commander-in-Chief; guns, gunners, engineers and sappers by the Board of Ordnance; but food to support both men and their horses, as well as beasts of burthen to carry their baggage and stores,—these must be furnished by the commissariat, and the commissariat is responsible only to

the Lords of the Treasury. As far as the feeding and transport of an army is concerned therefore, and its consequent ability to act, almost as much depends upon the judgment of the Commissary-General, as upon the will or genius of the Commander of the forces. If the former conceive that it is impossible to furnish, or that he would be censured by the Home Government if he did furnish, certain supplies, the latter may issue fifty orders concerning them, but they will not be obeyed. And thus an important operation may be frustrated or an opportunity lost, which the course of a long campaign shall never again produce. So also it is in a great measure, as regards the medical staff of our army, and its medical stores. These being furnished directly from the War-office, are supplied or withheld, according as may seem expedient to the Secretary-at-War: who may or may not think more of the expense than of the necessities of the occasion, and cripple the war, or otherwise, according to the view which he takes of one of its most important requirements.

It is to the honour of the individuals among whom the Crown has thus distributed its powers that they seldom if ever allow the jealousies of office to interfere, to any serious extent at least, with the advancement of the public service. In times of peace we have, indeed, known one office become a little impatient with another, and inconveniences more or less serious have been the consequence. But as soon as war makes serious demands upon their energies, Treasury, Colonial Minister, Secretary-at-War, Commander-in-Chief, and Master-General, think only how best the wants of the occasion may be supplied. Still even then, as there are five separate heads at work, and as each naturally enough applies its energies to the business to which it is most accustomed, blunders are not unapt to be committed in the adaptation of many means to one end. A certain number, for example, of men, of horses, and of guns are required for foreign service. The Commander-in-Chief hurries on the equipment of his portion of the force; and as Infantry and Cavalry are more easily got together than Artillery, they are shipped and sent away before either guns or stores are ready to go with them. Guns and military stores, however, follow, — in driblets, to be sure, for our peace establishment is miserable, — but still with a degree of speed which sets rivalry on the part of the Commissariat at defiance. And so all the fighting part of an English army arrives in a foreign country without a single beast of burthen having been provided for it, or any measures taken for the formation of its magazines. Is this the fault of any human being? Is the Commander-in-Chief to be blamed

for it, or the Master-General of the Ordnance, or the Secretary-at-War, or the Colonial Minister, or the Lords of the Treasury? By no means. They have one and all done their best. But they have not accomplished their object as they wished, for this obvious reason, that it is physically impossible for so many different departments to give the necessary impulse at the same moment to each separate part of a machine so complicated and yet so homogeneous, as an army.

That we are taking no prejudiced view of the subject under discussion, every thoughtful man, who has watched the progress of events during the last nine eventful months, must, we should imagine, be convinced.

In January of the present year the hope of maintaining peace in Europe waxed faint. In February it was considered expedient to assemble and despatch an English army to the East. We had but a handful of troops to draw upon, yet, thanks to the activity of the authorities at the Horse Guards, upwards of twenty thousand infantry and cavalry were shipped off from England and Ireland in the course of three weeks. No doubt some grave errors were committed in organising this corps. It was mere pedantry to fix the standard of field battalions, first at 800, and then at 1000 men. It was worse than pedantry—it was a military blunder—to raise to this standard battalions ordered to the seat of war, by inviting volunteers from other battalions, which had been set apart for home or colonial service. For, in the first place, we doubt whether 1000 or even 800 men be not too many for battalion purposes, in the presence of an enemy. Ten companies, as it appears to us, mustering sixty effectives each, form a line as extensive as the average power of men's voices can well compass, and, secondly, it must be known to all who have taken part in a European war, that for picket and other out-post duties, where it is never desirable to separate the men of a company from their officers, sixty firelocks will more frequently be found convenient than 80 or 100. But however this may be, the obvious effect of the volunteering system is to disorganise, to a greater or less extent, both the regiments which give, and the battalions which receive, the volunteers. Every regiment in every service, and especially in ours, has its own system. The men of each know the officers; the officers know the men;—and, so long as they serve together, matters go on smoothly. But as soon as you break this tie, you do more to introduce ill blood into corps than the inexperienced in such matters might suppose. Nor, in the present instance, did the mistake occur only once. Regiments which had furnished their quota of volunteers, and were settling

down to recruit as they best might, received sudden orders to follow those to whom they had given their best men, and had no other resource than to fill up their own skeleton ranks by accepting volunteers from any other regiments which might be willing to supply them. The consequences are obvious enough. In Turkey we have at this moment about 30,000 excellent infantry, somewhat disjointed perhaps in its more minute portions, because every regiment without exception has received a greater or smaller influx of volunteers. But reserve there is absolutely none. The few separate regiments which remain in England are mere skeletons, rendered such either by service in India, or by the line of policy of which we are now speaking, while the depôt-battalions, which are to feed the army in the field, consist exclusively of old men and boys. The latter will go out in shoals, as their officers succeed in communicating to them the rudiments of their drill; but it will be rather to feed the hospitals than to supply vacancies in the ranks. The latter, too few already, to act as competent instructors to the recruits, will become daily less and less efficient as they grow older, and die out, or take their discharges.

We have not disguised or sought to explain away errors like these, because they admit neither of explanation nor of palliative. They are such as the great Duke would not have tolerated under any circumstances whatever, and of which the effects—if the war last—will surely be felt. Yet we believe that we can account for them. It was hoped that the Czar might take fright at the first display of vigour on the part of England and France; and that possibly the expedition might never pass beyond Malta, its first stage towards Turkey. And so with a view to economy, measures were adopted which produced indeed a respectable force, but which, in saving the outlay that accompanies an accumulation of battalions and of brigades, dislocated the former, and left the latter without the smallest prospect of adequate support. Still there was the force—a stout infantry, and a well appointed, though numerically weak cavalry. But what then? Guns, gunners, horses for the train, waggons to carry the ammunition, spring-carts for the use of the sick and wounded, a bridge-equipment, entrenching tools, sappers, miners, engineers,—all these, in due proportions, are necessary to render an army effective. Where were they? Where are many of them still? A few field batteries giving an average, we believe, of about one gun to every thousand men, have been equipped. They followed the infantry and cavalry, and reached their destination by degrees; but waggons, spring-carts, a bridge-equipment, the army has not yet seen—we

doubt whether it is ever likely to see some of them. Nor, indeed, all things considered, is this much to be regretted. So completely was the Commissariat Department left behind, in this race of authority against authority, that the *physique* of the force could for many a day attempt nothing; first, because the *matériel* wherewith to form magazines was wanting, and next, because if it had been abundant on the sea-shore, there were no means of transporting it a day's march into the interior. We say nothing of the inefficiency of the medical staff which accompanied the expedition on its departure from this country. Its condition was ably pointed out by Mr. Guthrie in the columns of the 'Times;' and Mr. Sidney Herbert, with his usual good sense and good feeling, lost no time in applying the remedy. But suppose there had been no Guthrie to write, or that there had presided at the War Office some pedantic red-tapist, such as has been seen there and elsewhere within the memory of man, what would have followed? There would have been great affectation of scorn, great wincing and murmuring under the infliction of advice offered through a newspaper; but movement to correct the evils exposed there would have been none; and in order to assert the infallibility of office, the British army in Turkey, in all probability, would have been left to get on as well as it could without a sufficiency either of doctors or of drugs.

But it will be said, that as far as regards the actual condition of the force in Turkey, the English contingent to the allied army is at least in as good condition as the French. We do not find that our neighbours were one whit better prepared to move, at an early stage in the campaign, than ourselves. And if the proportion of artillery and cavalry to infantry be greater with them than with us, that is the mere result of an arrangement which we have not thought it necessary or expedient to adopt. Perhaps all this is true: and our readers will greatly mistake the purpose of the present paper, if they believe that it is written with a view either to flatter the troops of any other nation, or wantonly to disparage our own. But let us not forget that, whereas the French corps in Turkey constitutes but a detachment from the French army, our five divisions of infantry and single division of cavalry, with the horse artillery and field batteries attached, make up, absolutely, the whole of the land force which we have disposable for active operations. Surely, then, our self-complacency ought to derive but little solace from the fact—if fact it be—that a great country like this is able, by the concentration of all its administrative powers upon one object, to bring 40,000 men into the field only not

less effective than the 70, or 80,000 which our neighbours spare to co-operate with us, but which are as a drop of water taken from the sea to the immense mass of their armed and disciplined population.

We believe, that considered in detail, there is no army in Europe comparable to our own. Our men are larger, stronger, more robust, than those of any other nation. Our horses are confessedly the finest in existence. We have the best appointed and best fabricated artillery, and our new muskets are unrivalled. The dress of all arms may be inconvenient, and the load somewhat too heavy; but of the latter grievance we suspect that too much has been made, and the former will shortly be removed. Among our officers, also, you will find individuals as accomplished as any in the world, and our discipline, on matters of duty, is perfect. As to our Engineers and their followers, the Sappers and Miners, we verily believe that there is nothing within the compass of human ingenuity which they would prove themselves unable to accomplish. In bridge-equipment we are indeed defective, but it is a defect which there is no lack of power or of ingenuity among us to supply. Taken in detail, therefore, our little army need not fear competition, except as regards numbers, with that of the State avowedly the most military in Europe. Yet, there are points, and those of the highest importance, too, in which it would be idle to deny that we are grievously wanting. We have heretofore stood in need of nothing so much as simplicity in the general administration of army matters. Plans proposed by one department, especially if they implied change, were sure to be resisted in another, and amid the strife of controversial minutes, there was no power any where promptly to decide; for Cabinets are not easily induced to take up departmental disputes, and to make a common referee of the Crown, would be to bring it into contempt. What we have heretofore wanted, the present administration seem bracing themselves to supply. They have given us a Minister of War, and that is something. He is a Member of the Cabinet — his functions are diverse from those of the Colonial Secretary — he is to have his own office, his own establishment, and his attention is to be devoted exclusively to military business. So far so well. But is the arrangement intended to involve no change in other quarters — no amalgamation or absorption of those checks and balances, which, however useful they may be in the working of a civil constitution, are, as regards the pliability of an armed force, grievous hindrances? We cannot think so; indeed, we are persuaded that behind the very imperfect arrangement which has just been made,

others, which it might be injudicious to develope abruptly, lie hidden. For to create a War Minister without conferring upon him plenary powers, — in other words, to make of him a mere final referee from the various independent offices which now administer in detail the multifarious concerns of the army,— would be only to add one more to the many difficulties which stand in the way of a ready transaction of public business. Let us explain ourselves.

There is no real antagonism between any of the operations which contribute to secure the efficiency of an army. If you embody men you must have barracks in which to lodge them, and your barracks require a certain amount of furniture and arrangement — your men must be fed, clothed, armed, and appointed — your cavalry must be provided with horses, and horse equipments — your artillery with guns and stores. Upon the whole of these corps, the same code of military law must be binding, and discipline must be maintained among them by the selfsame process.

In like manner it is evident to common sense that wherever there are fortresses they must be armed, stored, and kept in sufficient repair. Wherever fortresses seem to be wanting, they must be built. Moreover, to provide against the constant drain which is made both upon men and *matériel*, even in peace, a system of recruiting the former must be organised, and arsenals established and kept moderately full, from which to supply the latter. Again, the accounts of this great military concern must be kept. The men require their pay — their clothing and rations cost money—building is expensive—repairs are not executed gratis — and weapons of war, ammunition, and accoutrements are costly playthings. The nation is willing enough to advance the necessary funds, but the nation must be satisfied that they are rightly expended; and to the House of Commons (which is supposed to represent the nation) balance-sheets must be periodically presented. All this is true; but will anybody pretend to affirm that in order to accomplish all this it is necessary to keep at work four or five distinct and independent sets of functionaries, with as many heads set over them; each jealous of interference on the part of his neighbour, and determined by every means in his power to prevent it. Cannot the same authority which manages the distribution of pay manage the distribution of food also? Is it a thing impossible that the power which controls the discipline should be able to arrange for the arming of the force? Is the difference so marked between a coatee and a great coat, that the one must be supplied by one department of the state, the other by another? And,

finally, what necessity is there that before men or guns shall leave England, still another department must be consulted, which, all the time that the troops occupy quarters at home, seems, for every practical purpose, to ignore their existence?

Nor is this all. No army can be said to be complete of which one part is not in tolerably exact proportion to all the rest. To insure the efficiency of a given number of infantry there should be a given number of batteries of foot artillery. To render a certain amount of cavalry useful, a certain number of troops of horse artillery must work with them. But you cannot improvise either foot or horse artillery, and therefore, unless your peace establishment be well balanced, it is impossible, when a sudden cry of war is raised, that you can be prepared to send a well appointed force to the scene of action. Now it is here that our system of divided control and responsibility tells especially against us. There is a rivalry between the War Office, as it has heretofore existed, and the Board of Ordnance, which, however natural it may be, impedes the public service. Each is anxious to reduce its estimates to the lowest figure, not, we are afraid, with the disinterested view of serving the public as economically as possible, but that its demands may be contrasted favourably with those of its rival. Hence the endeavour mutually to shift this item of expenditure and that from its own shoulders. Hence, too, the starving of one branch of the same service in order to feed another which happens to be more in favour with the heads of the department. The Board of Ordnance, for example, has long been aware that the proportion of field artillery to the infantry and cavalry of the British army at home was quite inadequate. Yet knowing that field batteries are not got up for nothing, that horses cost a great deal to purchase and to keep, and that harness wears out in the usage, it has been content to work on with an establishment, which, now that the occasion has arisen, proves quite inadequate. Had the two departments, that in Pall Mall and that at the Horse Guards, been subject to the same general control, is it to be believed that such a state of things would have had existence?

Again, the supply of food and forage for the army at home takes place by contract. Butchers, bakers, grain growers, &c., agree to furnish certain quantities of meat, bread, corn, hay, and straw, all of which are brought to the barracks and received over by the quarter masters, or barrack masters, as the case may be. So also when troops change their stations, if railroads be available they are of course made use of; if otherwise, country waggons or carts are hired to carry the baggage,

and the men march. With such arrangements in force, there is no need for a commissariat corps, and it has accordingly no existence in Great Britain and Ireland. But the system cannot be acted upon in Turkey, or Spain, or the Netherlands; and hence, when a British army is suddenly called into the field, the Treasury is compelled, not alone to supply funds for the purchase of stores and means of transporting them, but to get up a commissariat corps, which happens at this moment to have among its chiefs old men who served in the Peninsula, but which, had the necessity been deferred but a few years longer, must have been, from the highest to the lowest rank, absolutely without experience. We say nothing of a bridge train, of the apparent wisdom of having a certain number of ships-of-war told off for transport service, when necessary,—of boats, stages, and other appliances, for the prompt and convenient landing of troops,—or any other of the arrangements which, for the due efficiency of such an army as ours, would appear to be indispensable, but which our Government seems never to think about till the moment for bringing them into play overtakes it. All these points have heretofore been neglected; all the others, of which we have spoken elsewhere, have been most inadequately attended to, simply because the nation has had no responsible head to its army, but has muddled on upon a principle—if such it can be called—which might have answered so long as the sovereign really commanded his own troops, but which is both costly and inconvenient in an age when the true science of government is understood, and the people require that the sums which they advance in the way of taxes shall be laid out strictly for the nation's benefit and the honour of the Crown.

And now comes the question, what would we desire the War Minister to be? The answer is obvious. He must be a Secretary of State, and a member of the Cabinet, but we do not think that he ought, of necessity, to be a soldier. Mr. Sidney Herbert, in a speech explanatory of the part which he has taken in army reform, very ably, and, in our opinion, satisfactorily, showed that this would be an error. For, in the first place, it does not always follow that a good soldier is a wise politician; and next, were the contrary the case, by keeping this particular office open for soldiers exclusively, the power of choice on the part of the sovereign would be too much limited. But, whether soldier or civilian, the authority of the War Minister over all matters connected with the army—its maintenance and disposition—ought to be supreme. In this case it will follow, that except so far as they

may be regarded as receivers of the money voted for military purposes, the Lords of the Treasury must cease to have any connexion with military expenditure. The Secretary-at-War, likewise, will merge in one Under Secretary; the Master-General of the Ordnance in another; and the work of the entire machine be carried on by departments, if you will; but the whole of them as completely subordinate to the Minister of War as the several departments in each separate office are at this moment subordinate to their respective chiefs.

But what of the general commanding? Is he also to be subordinate to the Minister of War, the latter being a civilian, or are we still to have two independent — and it may be antagonistic — authorities in connexion with the army? We conceive that as far as the maintenance of discipline is concerned, the Commander-in-Chief must, under every arrangement, be supreme; in all other respects he ought to take his instructions from the War Minister. And here we would get rid at once of the anomaly which keeps artillery and engineers apart from other branches of the service. As soldiers they should henceforth be governed by the military chief of the entire army. Of their equipments the Ordnance branch of the War Office, or a particular section of it, may take charge. But this branch, like all others, including the sections for public buildings, for the purchase or fabrication of arms and ammunition, for the clothing, the feeding, and the payment, as well of the line as of the artillery and engineers, should receive its instructions from the Minister at the head of the War Department, who, in his turn, ought to be responsible, like every other servant of the Crown, to Parliament. Were these changes brought about, not only would there be a considerable saving to the public, but one of the most important of the institutions which the public supports and pays would be put upon a footing of far greater efficiency. The Minister of War would be without any inducement to save upon one branch of the service, in order to lay out the more upon another. His estimate would be a single estimate. It would be divided, of course, into paragraphs, as all estimates must be, but it would come before the House of Commons as a whole; and the country would, in consequence, receive the best guarantee that could be given, that in all its branches the force which it consented to keep on foot was complete, and that useful projects, and those alone, were likely to be fostered and carried into effect.

We entertain no doubt that sooner or later matters will reach this point. There may be, there doubtless will be, a great deal of resistance in various quarters. Many interests are con-

nected with the preservation of the existing multiplication of offices, and division of powers. But the course of army reform, though it may be slow, is sure. There is ample room and verge enough for the exertions of such as have the good of the service really at heart; and though considerable tact may be necessary to bring many minds to one conclusion, still, looking to the present constitution of the War Office and the Horse Guards, we see no reason to be fearful of the issue. Under the management of Mr. Sidney Herbert great things have been done already, and greater are promised.

And here we must be allowed to notice, with unmixed approbation, the report of the commissioners, who recently met 'to 'inquire into the several modes of promotion and retirement 'heretofore authorised in the army, and to report what changes 'it may be expedient and practicable to make in the present 'system, with a view to the greater efficiency of the service.' It is one of the best expressed, and most sensible public papers which we have had the good fortune to peruse; and it is as concise as it is able. We need not enter at length either into the nature of the evil which it points out, or the remedies which are suggested by it. The former may be thus generally described,—that through the absence of sufficient inducements to retire, promotion, after a while, in the British army virtually ceases; that to attain to the rank of lieutenant-colonel, a man, unless peculiarly favoured by fortune, must have reached the age of forty-five at the least, and that the most lucky can scarcely expect to become general officers under sixty. The tables given in the Report clearly prove this. It is there shown that out of 182 lieutenant-colonels now in active employment, only 38 are under 40 years of age; that 45 are between 40 and 45; and that the ages of the remainder range from 45 to 65. In like manner it appears that the general brevet of 1851 raised to the rank of major-general only one officer under 50, whereas ten were between 50 and 55; 20 between 55 and 60; 13 between 60 and 65; 7 between 65 and 70; and above 70, 3. There needs no reasoning to prove that under such a system as this, perfect efficiency in the best disciplined army in the world is unattainable. Few men retain sufficient bodily vigour for command in the field after fifty. Indeed, it was a maxim of the late Duke of Wellington that at forty-five, or thereabouts, a general should think about striking work. What, then, can be expected of elderly gentlemen who have either passed, or are fast approaching, their grand climacteric? and yet we believe that, with the exception of his Royal Highness the Duke of Cambridge, there is not a single general of division present with

the army of Turkey but may be included under one or other of these categories.

The measures recommended by the commission for rectifying this evil have our entire approval. If there be a fault observable in them, it is that they do not go far enough; but for this a not unnatural fear of making too great a demand upon the liberality of Parliament may account. It is suggested, that from this time forth general brevets shall cease; that after attaining the rank of lieutenant-colonel, no officer shall advance in his profession, unless he shall have been for three years either in command of a battalion, or employed on the staff in such a capacity as is considered equivalent to the command of a battalion; that all lieutenant-colonels so qualified shall, as a matter of course, become colonels at the end of three years; that from among these colonels the Crown shall select such for brigade employment as may be considered best qualified; and that at the end of five years brigadiers so employed shall, if they prove themselves worthy, become major-generals. But forasmuch as the list of general officers is not to be swelled as it used to be of old, a certain complement is advised to be settled, in order to reach which, only one promotion by seniority for every three vacancies that occur during the process of decadence must take place. Meanwhile, however, as well as after the limit is reached, officers who greatly distinguish themselves in active service, shall be promoted to the rank of major-general on the instant; but they must be considered as supernumeraries till way is made for them by the death or retirement of their seniors. Moreover, a considerable increase of the full-pay retired list is recommended, while the good-service pensions heretofore granted to half-pay officers are withdrawn. Finally, with a view to stimulate a more rapid sale of commissions, it is suggested that the name of every gentleman who sells out as a field officer shall be retained in italics, as the names of retired colonels are now retained in the 'Army List.' It is expected, that by these means, many officers who at this moment overload the half-pay list, will be induced to sell out; while, of those actually serving, such as see little or no prospect of earning a title to high promotion, will probably accept the full-pay pension, with an additional step of rank, and retire. For it is further hinted that some standard of age ought to be fixed, after reaching which an officer is to become superannuated; that he, for example, who is still a lieutenant-colonel at fifty should retire upon full pay, with the rank of colonel, and that a proportionate scale may be settled, according to which both cap-

tains and subalterns are to be regarded as having earned the right to honourable retirement.

There are many other suggestions and recommendations in this Report which we need not stop to particularise,—such as that officers noticed for their gallantry in the field shall receive at once a step of promotion, which must be brevet-rank only till an opportunity offers of appointing them to regiments. All, however, are marked by the same consideration for the public good which distinguishes the more salient facts on which we have dwelt. And they have all been attacked, as, indeed, was to be expected, on the ground that they open a wide door to favouritism and political influence. But this is a contingent evil, against which there is no guarding. We believe, however, that the time is gone by when either personal favouritism or political influence can be carried in this country to excess. And it is surely better that a few cases of injustice should occur than that the whole army should be paralysed by a rigid adherence to the rule of seniority. Besides, are we not exposed, under the existing system, to the same risk? We do not find that general officers are chosen for Colonial or Indian commands by reference to their standing in the army. And surely it is quite as unfair to pass over a senior in the distribution of places where wealth and distinctions are to be pleasantly earned, as it will be to select a junior for command under circumstances which must tax too much the energies both of mind and body, for an old man to desire the preference.

Here, then, a beginning is made in the work of useful change. The country has so far got rid of old prejudices, that it is able to contemplate with equanimity the creation of a Minister of War, and the establishment of a system of selection, grounded on personal merit, for promotion in the army. Another important innovation was hinted at by the Secretary-at-War in the beginning of the Session, and the House of Commons received his proposal with so much favour, that the money asked for in order to carry it into effect was granted by acclamation. We allude to some plan for the proper examination of candidates for commissions in the army, and for the encouragement among officers, after they join their regiments or depôts, of habits of study and self-discipline. And surely, after such exhibitions as have recently occurred in the 46th regiment, there is no thinking man but will acknowledge that the latter of these arrangements is at least as necessary as the former. For though there happens to be war at this moment, and though officers employed in the field find something else to engage their attention than wine and women, and play,—still war is a condition of human society

which cannot, in the nature of things, become chronic; and, as often as it does occur, it is best carried on by gentlemen, who go to it instructed in the theory of a very scientific profession. But is such our condition? By no means. We have elsewhere spoken in terms of just admiration of the physical strength, the courage, the discipline and equipment of our soldiers. We entertain no doubt, that as often as they come into collision with the enemy, they will behave, as their fathers did before them, nobly. But this conviction is far from shaking our belief that the officers of the British army are, as a body, in respect of professional accomplishments below the mark, which it is desirable and practicable for them to attain. Are we to be told, because the pluck of the English soldiers, and the constitutional bull-dog courage of their leaders, suffice to bear down opposition in the fight, that therefore it is unnecessary to superadd to these qualities the general information which makes a man fourfold a man,—the science which can devise, and the skill which can apply, sudden remedies to sudden mishaps,—the ingenuity which apprehends at once how unlooked-for obstacles are to be surmounted,—the knowledge which suggests the suitable defences against an unexpected danger? Surely they reason upon very untenable grounds who, looking at the subject through the narrowest medium of professional considerations, can hold such language as this! For as there is no antagonism between courage and science, the scientific soldier must be—*quoad* his science—a better man than his untutored comrade in a campaign. Whereas, if we get out of these trammels, and recollect that the routine of a British officer's duties carries him, in peace as well as in war, to every climate under the sun, surely it indicates a lamentable deficiency of intellect to argue, that because once or twice in his lifetime a man's physical courage may be of more worth than any other quality, therefore it is unnecessary to inspire him with a love of such pursuits as elevate his nature, and thereby induce him to become the champion of moral and intellectual improvement, as well as of his country's honour in the field of battle. But why argue this point any farther? Whatever opinions may be entertained by elderly gentlemen, who, having grown grey in their own ignorance, are unwilling to see younger men better informed than themselves,—whatever aversion to study may exist among young men who embraced the army as a profession, for no other reason than that it promised to insure to them an exemption from all exercise of the mind,—the country has arrived at the conclusion, that Her Majesty has a right to look for intelligence and high moral feeling, as well as

for valour, in her officers; and that her uniform shall no more be worn by Greers, Perrys, and O'Tooles, of whom, somewhat modified, perhaps, there are, we are afraid, too many in other regiments than the 46th of the line.

Up to the year 1847, the arrangements in force for supplying the British army with officers, were such as the most determined supporters of a policy of obstruction found themselves unable to defend. With the exception of the corps of artillery and engineers, the whole trained force of the country might have been commanded, for ought there was in the system to prevent it, by imbeciles. When a young man desired to get a commission, his father, or guardian, or patron, applied to have his name put down on the commander-in-chief's list, and, provided sufficient influence were brought to bear, he was in due time gazetted to a regiment of the guards or of the line — by purchase or otherwise. No inconvenient questions were asked as to the condition of his body, or the state of his mind. He might be deaf, halt, deformed, of imperfect utterance. His knowledge might extend no further than to the points of a horse, the dressing of a fly, or the art of killing a partridge. So long as there was some one to plead for him, whose claims depended upon rank, wealth, or it might be professional service, the young man was made sure of his appointment, and joined his regiment sometimes unable to fill up a common guard report, or stand the fatigue of an ordinary field day. No doubt we had then, as we have still, the Military College at Sandhurst, with its junior department for cadets, and its senior for full-grown officers. But whatever benefit the army might derive from the latter, the former served it only thus far, — that out of perhaps three or four hundred fresh appointments, there might perhaps be produced every year, nine young gentlemen, who had received an education reasonably liberal, and were at all events pronounced qualified, after examination, to serve the Crown. And here all study, in the proper acceptation of the term, came to an end with both classes. There were no more books to be read, no more examinations to be encountered. Provided they scrambled through their drill, they were all alike eligible for promotion, and won their way, by dint of money and interest, to high or to humble rank, as the wheel of fortune might determine.

The system was one which could not bear the light, and though it worked on without any very grievous misfortune to the country, the light was no sooner let in upon it than it fell to pieces. It received the finishing blow when the plans now acted upon for the education of non-commissioned officers and

private soldiers came into force. But the remedies proposed in 1847 proved wholly inadequate, and to all practical purposes we are at this moment pretty much where we were ten years ago. Indeed the succession of general orders which issued from the Horse Guards, with their minute references to books, and portions of books to be got up, produced a sort of melancholy titter wherever they were read. And of the Sandhurst examinations we have heard only one opinion expressed — that they are worse than useless.

It would be invidious, and it is not necessary, to explain whence all this comes. The author of a catechism of history can scarcely be expected to accept of any answers to his historical questions which do not correspond with his own recorded sentiments; — while to satisfy the compiler of a work on arithmetic or algebra, there is clearly no course so obvious as to come before him with his own demonstrations fermenting in our brains. Accordingly the order no sooner went forth, that the future candidates for commissions were to be examined, than a host of cramming establishments sprang up in every part of the kingdom. The books recommended by the Sandhurst examiners became text-books there; and a three months' course in seminaries, where moral discipline was not so much as attempted, sufficed to fit all but the most incorrigible of dunces for the ordeal that awaited them.

The single purpose of preliminary examinations for public employment, civil or military, is or ought to be this; — that competent judges shall be satisfied that candidates are possessed of such an amount of general intelligence and ability, as shall qualify them for the right discharge of the duties which it is proposed to assign to them. Now the ordinary duties of subaltern officers in our and in every army, are exceedingly simple; and were men to continue subalterns all their days, the degree of mental culture necessary to fit them for that calling might be as minute as you please. But seeing that young men enter the army with a view to rise to stations of responsibility therein, the Government is justified in requiring that they shall not begin their career in a state of absolute ignorance. Judicious examiners, however, will look quite as much to the innate capabilities of candidates as to their actual attainments. You do not want an Admirable Crichton in every cornet and ensign; but you do want to be satisfied, that the aspirant for military honours has received the education of a gentleman, and acquired in so doing, tastes and habits which shall induce him to improve, and not to waste, the many leisure hours which a military life places at his disposal. It matters very little, therefore, whether a lad

of seventeen or eighteen is acquainted with Vauban's system or not; it is a point of secondary importance, that he shall be able to give the exact date of the battle of Platæa, or the exact position of the lake of Mœris. Nay, we should scarcely reject him if, in writing his own language, he were to misspell a word or two, provided he showed that he was conversant with other languages, and appeared master of his subject. But the boy, who without fail poured forth names and dates, and did not know what to do with them after he had got them into their right places—that youth we should certainly advise to seek out some other walk of life than a profession, which as it offers, indirectly at least, a wide scope for the exercise of talent of every kind, so it ought not to be embraced except by gentlemen who are possessed of some talent, and are willing and anxious to make use of it.

If we understood Mr. Sidney Herbert aright, the views which we have here taken of the purposes of a preliminary examination for commissions are in perfect unison with his own. We are glad also to observe, that he looks to other preparations and other examinations, than those which are to qualify young men for their first step on the ladder. His idea of district military schools is excellent, and what is more, we believe that if fully and fairly developed, it will become popular both with the army and with the nation. But great care will be necessary as well in the adjustment of the several parts of the machine as in the selection of fit persons through whom to work it. Let us see how far it may be possible to sketch out a plan, which, subject to as many modifications as the temper of the times may render necessary, shall yet, upon the whole, serve as a model from which to copy.

When you speak to military men about the advantages to themselves of study, the answer which you receive is in every case the same. 'Where are these advantages? Now and then 'an officer does study. By your own admission we have among 'us some of the most accomplished men in the country; yet we 'cannot see that any good comes to them from their accomplish-'ments. Indeed, success in the senior department at Sandhurst 'itself—to which we have all, at one time, been taught to 'look—brings with it no reward. Examine the list of offi-'cers at this moment employed on the staff, and you will 'find that a far larger proportion are men without than with 'certificates of merit. And as to regimental promotion, so long 'as he can get through his routine work, and has money where-'with to purchase, the most illiterate blockhead must keep 'the lead, provided he once gets it.' We are sorry to say

that there is no rebutting a single assertion in this argument. It is true to the letter; and it is not less true, however much to be lamented, that the number of young men who, in any walk of life, can be persuaded to devote themselves to study for its own sake, is very small. Mr. Herbert's plans, therefore, if they are to effect any practical benefit to the service, must be so worked out as to produce a change in these respects. If he really desire (and we are confident that he does desire) to raise the intellectual tone of the profession, he must, as well by holding out a prospect of advancement to the studious, as by throwing impediments in the way of the idle, stimulate the younger officers of the army to improve themselves. And we believe that it is quite in his power to do so.

The first thing to be done, in our estimation, is to select a competent number of persons who should, by appointment from the Crown, become a Board of Military Education. On this board ought to devolve the duty of examining all candidates for first commissions, and of generally superintending and keeping fully in work the District Military Schools which it is proposed to establish. Examinations for first commissions cannot be conducted otherwise than face to face. There is a good deal in manner and expression, to which judicious examiners give much weight; and for nervousness they must be greatly wanting in fitness for their office, if they do not know when to make allowance. But, after all, as this first examination ought to deal rather with generalities than with minute details, there can be nothing in them from which a well-educated youth need shrink, seeing that he will have officers and gentlemen to deal with in his hour of trial. And here the parents of candidates ought to be made aware, that not only will cramming avail their children nothing, but that it will tell against them. The youth's mind—not his acquaintance with a limited number of facts—is to be analysed; so that a boy whose education has for sixteen or seventeen years been neglected, will have no chance whatever, after a few months' manipulation under a crammer, of scrambling through. For text-books there will be none. And as to subjects, these will comprise, more or less, every matter, to which the attention of the sons of English gentlemen is or ought to be turned at school. If one lad's forte for example, be classics, that of another mathematics, if a third be well versed in modern languages, a fourth, in a marked degree, conversant with geography, they will all equally pass, so long as they satisfy the examiners that there is stuff and disposition in them for better things. In one respect only we hope that

the examiners may always prove firm. Each youth must produce a certificate from the clergyman whose ministrations he has attended, that his moral character is without reproach; and they must all show that they are acquainted with the great Scriptural truths, about which the different sections of Christians are agreed.

Having made choice of the Chairman and Members of this Board, and had their choice confirmed by the Crown, it will become the next duty of the Secretary-at-War and Commander-in-Chief to select and recommend to Her Majesty as many officers of instruction as it may be proposed to distribute throughout the empire. When the machine is complete, there will of course be one or two such officers attached to the Staff of every military district; though probably, in the first instance, it will be considered sufficient to plant one in each of the home commands. It will be well to choose as the place of his residence, not the head-quarters of the command, but some quiet village or small town a little way removed from it. A barrack, if such can be found, distant a few miles from a post-office, would be the best; for besides that the proximity of a large garrison and staff could not fail of throwing temptations to idleness in the way of the students, it is desirable to collect them where accommodation, sufficient but not too luxurious, can be found for them. They will all, while so assembled, be under the military command of the instructor. And it is further to be hoped that only such gentlemen shall be appointed to so responsible an office as by the weight of their personal characters shall be able to exercise a moral control, which is even more necessary than formal military authority in the management of men of all ages, and especially of young men. An officer of instruction must, therefore, be in the full vigour of his days; he will be best selected from among the captains of all arms, and his influence will be largely increased if the temporary rank of major be conferred upon him, with the understanding that if for five years he do his work well, it shall be rendered permanent.

The subjects on which the officers of instruction may be expected to lecture it is not for us minutely to specify. They will of course include fortification, plan-drawing, bridge-making, tactics, military history, military topography, general history, general geography, gunnery, surveying, &c. Modern languages also, ought to form a distinct branch of study. As to the students, they will be made up of a proportion, say one-third, or one-fourth, of the subalterns from every regiment or depôt of infantry and cavalry within the district. In all these schools or seminaries one distinct set of text-books must of course be used,

and the greatest pains ought to be taken in compiling them. For without the establishment of the same books in all the schools, we do not see how, with a body so migratory, any great good could be effected; whereas having such books supplied to every district school, the removal of an officer from one military district to another, will subject him to no serious inconvenience. Wherever he may go, he will find the same tools to work with, and, in all probability, the same, or nearly the same, method of using them in his Instructor. His studies, therefore, can suffer no check, at least none of sufficient importance to stay his progress towards a successful issue.

Study, without examinations, is, for the most part, as profitless as examinations generally prove to be, except important results follow. The subalterns who study at these district schools must all be examined, and their prospects of promotion be made to depend on the results of such examinations. There ought, in our opinion, to be two distinct examinations; the former of which shall qualify a cornet or ensign to become a lieutenant, and the latter shall qualify a lieutenant to become a captain. In either case the actual promotion, whether by purchase or otherwise, cannot of course take place till a vacancy occur. But it should be clearly understood that till he shall produce his certificate of having passed, no young man is eligible; and that if a vacancy occur while he remains under the disadvantage of being unable to do so, the step will go to the next in seniority, who has been either more studious or more fortunate. We do not think that if such regulations are enacted, attendance in the district military school ought to be rendered in every case compulsory. So long as an ensign shall show that he is able to pass the lieutenant's examination, or a lieutenant to pass for a captaincy, he has a right to expect that his promotion shall go on, whether he may have studied in his own barrack-room, at the head-quarters of his regiment, or availed himself of the leave which year by year is afforded to a certain proportion of subalterns to repair to the general district school. But in either contingency this proviso must be attended to; that not only before he passes, but before he is permitted avowedly to commence his studies, every officer shall have completed his drill, and be perfect in his acquaintance with the interior economy of his corps.

Examinations of this sort cannot be too carefully guarded against abuse, and the very appearance of abuse. It will not do, therefore, to accept the testimonial of the Instructor, however upright he may be; neither will it suffice to bring the members of the Board of Instruction face to face with our military pupils.

Yet from the Board must emanate the tests which are to determine these young men's prospects in life. It is not very difficult to point out how this important affair may be managed. Each Officer of Instruction, previously to opening his classes, ought to receive from the Board an analysis or outline of the various subjects which it is assumed that both ranks of subalterns may fairly be expected to master. At the end of every half year it should be competent to as many of these young men as are satisfied of their own fitness to send in their names to the General commanding the district. These names, with a cypher attached to each, the General will forward, in duplicate, to the Secretary-at-War and the Commander-in-Chief: to the Chairman of the Board he will send only the cyphers; and it is clearly to be understood, that the General will always be prepared to receive and forward the names not only of the students who have availed themselves of the help of the Officer of Instruction, but of all who, by whatever process, have prepared themselves, or fancy that they are prepared, to encounter the trial.

During the course of the half year, the Board will have made out on each subject of study as many questions as it may be considered not unreasonable to propound. These will be remitted to the Officer of Instruction, who, at a time fixed by the General of the District, shall assemble the whole body of candidates in his hall of study, and distribute the questions among them. No books of reference ought to be furnished — nothing, indeed, supplied to the gentlemen under examination, except paper, pens, ink, mathematical instruments, and such materials for drawing as the case may require. A certain space of time — say two, three, or more days, may be allowed, after which the hall must be closed; and all the time that the students are working, the Officer of Instruction, with some other field-officer of the district, must be present to ensure fair play. Finally, all the papers signed only in cypher must be collected, and sent off to the Chairman of the Board of Military Instruction.

With the arrival of this packet in London, the work of the Board will begin. It will examine each set of papers, in perfect ignorance of the name or even the regiment of the individual from which they emanate, and give its decision strictly according to desert. And here it may be well, with reference to ulterior improvements, that a three-fold scale of merit be established. By adopting the customary process of assigning marks to each set of answers, which marks shall increase or diminish, according to the ability displayed by the writer, there will be no difficulty in determining which set ought to be

ranked in class 1, which in class 2, which in class 3, and which rejected; and the transmission to the War Office and to the Horse Guards of these decisions, which, as far as the Board is concerned, affect cyphers only, will at once enable the Secretary-at-War, and the Commander-in-Chief, to see which among the subalterns of the army have established a claim to mere promotion, and which give the best promise of doing honour to the service, and have, therefore, the best claim to be put in situations where scope for the exercise of superior ability is afforded.

And here we would recommend that the constitution of the Senior Department at Sandhurst be thoroughly revised. Up to the present date it has been open to all officers of the army alike — to men either of talent or of no talent, according as the commanding officers of regiments might forward their applications, and the Commander-in-Chief attend to them. Indeed, the instances within our own knowledge have been by no means infrequent of gentlemen entering Sandhurst, so entirely incapable of deriving advantage from the step, that after going through the usual year of probation, they have withdrawn again, well nigh as ignorant as when they came; while such as complete their course, too often devote their attention so exclusively to pure mathematics, that, except in the comparatively simple process of surveying and military drawing, they quit the place not one whit better qualified for staff employment than they were before they entered it. Now, what we want in this country is, a *bonâ fide* staff school, — such as the French have established in the Ecole d'Etat Major in Paris, the Prussians in the Grössere Kriegs Schule in Berlin; and to this, without doubt, by a very trifling change of system, the Senior Department at Sandhurst may be brought.

We have spoken of three classes of merit in the District Military Schools. To the officers who pass in the two higher of these, we would limit the privilege of admission into the Senior Department at Sandhurst; and we should, of course, exhaust the members of the first before we offered the boon to any member of the second. Our object, too, in thus acting would be to provide a really efficient staff for the army. Accordingly, to Sandhurst we should look more as a school for teaching officers how to apply their theoretical knowledge to practical purposes, than for advancing them to the highest branches in any pure science whatever. In district schools the theory of almost all military arts can be acquired. But there can manifestly be no appliances for going beyond theory. Whereas, at Sandhurst, every material may be ac-

cumulated, every teacher provided, which can help to make the student a competent bridge-maker, a pontonnier, a surveyor, a fire-worker, a road-maker, a master of steam,—every thing, in short, which an officer ought to be, on whose ready judgment the fate of a detachment, or an army, may one day depend. Moreover, we would afford the utmost facilities at Sandhurst for acquiring a knowledge, not alone of the languages of the chief continental countries of Europe, but of eastern nations also. And if, over and above, professorships be established of geology, natural history, chemistry, &c., you may confidently expect to produce the most accomplished body of staff officers that the world has yet seen. Nor must the Government hesitate, with a view to create emulation among our young officers, to declare all staff appointments whatever, attainable only by such as win their way to them through the great Sandhurst school. For ours is the only army in the world where generals are permitted to appoint even to their personal staff, sons and nephews, merely because they are such. And we are of opinion that a reversal of this system will not only prove of vast general benefit to the service at large, but that by-and-by, when the first burst of grief is over, general officers themselves will rejoice in the change. For if any man is interested in the well doing of a son, it must be his father; and when that father is able to say to his son, 'I can put you upon my staff, and will do so only if 'you pass with credit through Sandhurst,' then are the chances increased that the son will work; and if he do work, many an anxious hour, many a precious guinea, will be saved both to son and to father.

But if you limit your selection of officers for admission into Sandhurst, and for its consequent—staff employment to such as pass in the first classes of merit only, what are you to do with the members of the second and third classes, and above all, what is to become of the unfortunate young men who fail to get themselves classed at all? We answer, that to gentlemen who pass in the third class regimental promotion is open; and in the course of their after life, they may find such opportunities of distinguishing themselves, that the slight slur which intellectual failure appeared to cast upon them in early youth shall be wiped out. And with respect to the rejected, even their case ought not to be considered as a hard one. They are not, by one rejection, cut off for ever from advancement. They may return their names, again and again, for examination, and whenever they scramble through, they will be allowed to take their proper places; though, of course, these will now be in rear of the individual, or individuals, who have once passed them by

And if, at the end of successive trials, it shall be demonstrated that they have no power of learning, no faculty to acquire knowledge, they themselves must become satisfied that they committed a mistake in choosing their profession. It will be better for them to quit the army, at once, than to linger on as subalterns, till the army shall cast them forth.

There is as it seems to us but one difficulty in the way of perfecting these arrangements, and that we admit to be at first sight a serious one. But it is more apparent than real. In our service the system of purchase prevails; and it has been wisely recommended in the report of the army commissioners that it shall not be discontinued. What is to be done when a company is offered for sale, and the senior lieutenant having failed in his examinations, the next in seniority, though a subaltern of the first class, is unable to purchase. This will indeed be hard on the individual, but we do not see how this individual hardship, more than others, can be permitted to stand in the way of a great general good. The young man so passed over will suffer because the officer under him cannot be prevented from purchasing over his head. But, take a case on the opposite side of the balance, and then, as it seems to us, our sense of hardship ceases. Suppose a company is vacated by death, or otherwise, so that purchase shall not be necessary, and supposing the senior lieutenant, who is able to purchase, not to have passed, then the second lieutenant, being a poor but diligent man, obtains the step, and it is the rich and not the poor who seems to suffer wrong. But is there any real wrong in either case, assuming that the purchase system is a wise one? We think not. For according to our proposal, all the great prizes in the army, all staff appointments, from the office of adjutant-general down to that of extra aide-de-camp, are thrown open to be competed for by the intelligent and the industrious. And as we are glad to see that among other recommendations of the Commission, a strict adherence to the rule of change in regard to almost all of these is urged, we can surely calculate on a certain increase of that spirit of generous emulation, without which all professions, and none so rapidly as the army, become mere places of refuge to the indolent and the vicious.

ART. VIII. — 1. *Reports of the Surveyor-General of Convict Prisons.* I—VII. By Lieut.-Colonel JEBB.

2. *Reports of the Inspectors of Prisons in England and Wales.* 1853—1854.

3. *Thirty-second Report of the Inspectors-General of Prisons in Ireland.* 1854.

4. *Fourteenth Report of the Board of Directors of Prisons. Scotland.* 1854.

5. *Tables of Criminal Offenders for England and Wales.* Home Office. 1854.

6. *Tables of Criminal Offenders for Ireland.* Home Office. 1854.

7. *Tables of Criminal Offenders for Scotland.* Home Office. 1854.

8. *Crime.* By FREDERICK HILL.

9. *Crime and its Statistics.* By THOMAS PLINT.

10. *Results of Separate Confinement.* By Rev. C. BURT.

11. *First Report of the House of Lords on Criminal Law.* (Blue Book) 1847.

12. *Report of Select Committee of House of Commons on Prison Discipline.* 1850.

13. *A Place of Repentance.* By SAMUEL MARTIN.

14. *Reports of the Preston House of Correction.* By Rev. J. CLAY. 1848—1853.

15. *Reports of the Chaplain of the Durham County Gaol.* By Rev. HANS HAMILTON. 1853.

16. *Durham Refuge for discharged Prisoners.* Fifth Report. 1854.

17. *Charges to the Grand Jury of the Borough of Birmingham.* By M. D. HILL, Recorder. 1850, 1851. 1853—1854.

WE have more than once had occasion to animadvert upon the peculiar fashion in which we, the British Public, transact our national affairs — a fashion so empirical, tentative, unsystematic, and irregular, as to fill us with amazement that the results are not even more unsatisfactory than they are. That this mode of doing business is a faulty one there can be no question; but we grow reconciled to it by two considerations, first, by observing that nations which pursue an opposite system fall into errors quite as great, and make a progress at least as slow; and, secondly, by convincing ourselves that the defect is

innate and incurable, is attended with many counterbalancing advantages, and is inextricably intertwined with some of our most valuable national idiosyncrasies. We cannot eradicate the habit; all we can do is to moderate its excesses and mitigate its mischiefs as we best may.

We are a busy people. Members of the Government and private individuals generally have their hands full. They have for the most part as much to do as they can do well in discharging the routine duties of their social or their official position—often more than any ordinary strength or industry can despatch in a satisfactory manner; they are therefore rarely inclined to 'travel out of the record,' to undertake work which does not press, or to look beforehand or abroad for supererogatory labours. They can seldom get far enough before their duties, or high enough above them, to contemplate them *ab extra*, and as a whole—to speculate, classify, consolidate, or systematise. They answer the immediate call; they meet the immediate claim; they provide for the immediate emergency; they are men of business, not philosophers; they apply themselves energetically to understand and transact whatever affair is before them; but they seldom pause to consider how the difficulties of the hour may be mitigated for the future or prevented from recurring by wise and provident arrangements, and scarcely ever find time to regard questions in their connexions and with reference to long eras or to distant generations. What is 'forced upon them' they do; what is not forced upon them they ignore or postpone.

Again. We are an earnest people, but our vigour is distinguished rather for concentration than for comprehensiveness. One favourite national maxim—seldom embodied in words, but deeply graven on each man's heart—is, One thing at a time. We take up social questions in detail, forgetting that by so doing we almost preclude ourselves from viewing them rightly, understanding them fully, or dealing with them sagaciously. Each topic, as it comes up in turn, absorbs for the time the entire mind of the country; we vote every other question trivial and uninteresting, and every man who forces any other on our attention a nuisance and a bore. Upon each successive object on which we rivet our gaze, on each aim which excites the transient but passionate devotion of the hour, on each evil or abuse which for the moment any zealous and indefatigable monomaniac contrives to persuade us is *the* special evil and abuse which cries out to Heaven for redress, we concentrate the undivided energy of the nation; hence we often achieve great results and take mighty steps; but our steps have often

to be retraced, and our work has often to be cobbled or undone.

We are a people, too, in whom individuality is strong, and to whom freedom of personal action is peculiarly dear. We each of us like, not only to manage our own affairs, but to do as much as we can towards managing the affairs of the nation likewise. In continental countries the liberty of the individual is pretty nearly confined to that portion which a ubiquitous government cannot take from him, and his action to those things which it cannot do for him; he is, as it were, merely the residuary legatee of himself. In this country we delight to confine the action of government to those affairs which, singly or combined, we cannot well transact for ourselves, and its control to that which is necessary to secure our personal freedom. Government is less our controller and guide than the executive power which carries our orders into effect. When any new principle is to be established, or any scandalous grievance to be redressed, or any signal reform to be introduced, the process on the Continent is for a commission of specially qualified men to be appointed, a secret report to be handed into the ministry, a government ukase to be issued, and the great change enforced from above downwards, through all the various sub-departments of administration. In England this process is reversed. Some individual, often eminent neither from station nor ability, sees strongly and clearly the thing that requires to be done or to be undone—often, indeed, sees only the magnitude of the evil or the grandeur of the object, but is utterly at sea as to the means by which the one is to be cured or the other to be gained; he infects others with his zeal and imbues them with his convictions; an association, either tacit or avowed, is formed; every instrument which experience and sagacity can suggest is put into activity for the purpose of spreading their impressions; disciples are formed; information is diffused; experiments are tried; pamphlets are circulated; the press is gained; the matter is broached year after year in Parliament, till at last either pertinacious representations and reiterated arguments induce Government, or some member of it, to 'take the matter up,'—or else public feeling is fairly aroused, and the national mind is carried by storm; discussion swells into agitation; zeal deepens into fanaticism; the trickling stream becomes a furious river; and abuse and opposition are swept away together by the resistless and undiscriminating torrent. As we look back we shall find that the history of every great social reform effected in this country has answered to this description. Scarcely one has originated with the Government, or been adopted by it till the

national mind had been previously gained. Nearly all have been the work of individuals—invariably commenced by them, frequently carried out by them—sometimes with just the languid permission of Parliament, unwilling to stem a popular fancy which however it did not share; sometimes with the cold and contemptuous connivance of the administration at the 'crotchet' of some benevolent supporter whose character it respected, whose alliance it did not wish to forfeit, and to whose views, though it deemed them 'fanciful' or 'troublesome,' it had no convictions of its own to oppose. Parliamentary Reform was a question involving party power, and was therefore an exception; but National Education, Prison Discipline, Slavery and the Slave Trade, Penny Postage, Free Trade, are all cases which bear out and illustrate our description.

In almost all these national movements, however, a period arrives when Government action becomes appropriate and indispensable; when the matter is ripe and urgent for solution; when it has fairly seized public attention, and, by the settlement of noisier questions, has become the most important domestic topic of the time; when circumstances force it upon us at length with an imperiousness that will listen to neither denial nor delay; and when, therefore, individual and isolated action has done all it profitably and safely can, and the systematic and authoritative action of the supreme legislative and executive action is needed to complete and consolidate the work. The question as to the treatment and disposal of our criminal population has, we believe, now reached this stage of its progress. Other matters, not perhaps more urgent or so urgent in reality, but occupying more of public attention, and exciting a more intense and general interest, have been disposed of. Special points of policy, which formed the battle horses of great parties, and with a view to which cabinets were created and dissolved, have been finally set at rest. The Corn Laws are repealed, Free Trade is a *fait accompli*, and the question as to the principles which in future are to guide our commerce is closed, never to be reopened. Discussions as to national systems of education have had their day, and worked much incidental good, but can scarcely be renewed at present with much prospect of advantage. The financial policy of the country has been settled as to its main features, and our differences in future will be merely on matters of detail. The condemnation of loans, the equalisation of revenue and expenditure, the reduction of duties with a view to the increase of their productiveness, and the removal of all partial or inequitable burdens, from being the doctrines of a party, may be said to have become the maxims of the nation.

The more important matters, too, connected with the electoral suffrage and the constitution of the Legislature have been dealt with in no narrow or hesitating temper; and as to minor and secondary portions of that *quæstio vexata*, no man whose mind has not been tainted and twisted past cure by the necessities and littleness of party warfare can conceive them worthy to be compared in magnitude and moment with the vast and pressing topic of the security of the community against the increase and prevalence of crime.

The time is favourable for entertaining this great question. Not only is the ground cleared for its discussion by the removal of competing interests (or will be as soon as war shall have ceased to allure all eyes abroad), but the public mind is in a great measure prepared for deliberately entering on its consideration. Much good seed has been sown; much valuable information has been collected; many enlightening experiments have been tried; many errors have been exploded; some irrefragable conclusions have been established. We know what has been done in other countries, we can judge of what has been attempted in our own: Prison Inspectors have year after year been instructing us by their reports; Committees of both Houses of Parliament have examined nearly every witness who had anything valuable to say, and investigated nearly every plan which had any even apparent feasibility to recommend it; enlightened and indefatigable men in many different spheres have devoted themselves to the study of the subject, as well as to practical exertions to approximate to a partial and local solution of its difficulties. On the whole, it is scarcely likely that we shall ever be in a better position for discerning and deciding upon a fitting course of action than we are at present; and, even if it were, we could wait no longer.

For the question is forced upon us, and no ingenuity, no indolence, no pusillanimity, can now evade or postpone it. Not only does the number of our criminals contrast strangely with our high pretensions as a civilised and virtuous people; not only does crime multiply under our eyes, in spite of our vast means of prevention and penal repression; not only is society emperilled, injured, and alarmed by the thousands of offenders who, after a period more or less short of damaging and demoralising detention, are again let loose to prey upon the community which first neglects them, then corrupts them, then liberates them and proscribes them; but even if we despise every other warning, and are deaf to every other call, we find ourselves compelled to meet the menacing and knotty problem face to face, by the fact, that the Colonies, with one small exception, have refused any

longer to receive our convicts; and if they had not, the temptations and disorganisation consequent upon the Australian gold discoveries, would have precluded us from continuing to send them. We are, therefore, summoned to dispose of from two to three thousand convicts annually, whom we have hitherto been accustomed to send abroad,—and to dispose of them in some manner which shall protect the community from their future outrages and depredations, without either taking their lives, as of yore, or inequitably and unbearably aggravating their allotted punishment. It is obvious enough that this problem is at least as urgent as it is difficult, and that we must apply ourselves to its solution with the utmost promptitude as well as with the utmost energy.*

Happily the question has not hitherto been made a party one, and we trust it never may be. Politicians of different shades have turned their attention to it, and investigated it with conscientious zeal. As individuals they may have strong opinions upon various portions of it; they may be wedded to this or that favourite view or special plan; they may have their *protégés*, their associates, and their followers; they may have gained the ear of one or another high official; but of the two or three great political sections in our Legislature, none has embraced any particular creed or system distinctively, and as a whole. We have all alike been inquiring, all alike groping our way through a series of painful and blundering experiments, all alike learning by the slow teaching of frequent failures and occasional success; but the subject has not yet passed from the stage of earnest investigation into that of polemic dogmatism; and so far there is nothing to prevent all parties from cordially joining to approve any clear success, and to carry out any rational and hopeful project. And the guilt of the man who could make a question so vital to the morals and safety of his

* The importance and embarrassment of it may be measured, as far as figures can paint it, by two statements. According to Colonel Jebb (6th Report), the average annual number of convicts transported to Australia from 1847 to 1851, was 2750; these convicts being *generally* those whose offences were of the deepest dye. The total number of offenders sentenced to imprisonment (at assizes and by summary conviction) is about 100,000 annually; and the average term of their imprisonment is about six weeks. Hence the number liberated from prison, usually to recommence a criminal career, may be easily estimated. In the year 1848, of 104,485 offenders imprisoned, 86,318 were imprisoned under three months, and 18,167 above three months. Of these only 2585 were sentenced for a year and upwards.

country the mere tool for ousting a rival or mortifying an antagonist, would be of so heinous and disreputable a character that we doubt if there be more than one man in Parliament reckless and unprincipled enough to incur it. We may, therefore, proceed to the elucidation of the problem before us as one in which all parties are equally interested, and in which all may labour in amity together.

The treatment and disposal of our criminal population is a topic involving some of the subtlest speculative, and some of the knottiest practical, questions which we can be called upon to consider. Whether in dealing with it we are to consider only the safety of the community, or the interests of the guilty members of it likewise, — whether we are to treat offenders in a spirit of retribution, or of benevolence, or of simple self-defence, — whether we are to regard them as patients to be cured, or as victims to be rescued, or as enemies to be suppressed, — whether punishment is to be proportioned to the heinousness of the offence, or the circumstances of the offender, or the object of deterring others, — what system of prison discipline is best, out of so many recommended, — whether gaols should be made self-supporting in spite of economic science, whether they can be made such, and whether economic science really forbids them to be made such,—in what manner to deal with juvenile criminals, in what manner with the penitent, in what manner with the hardened, — how we are to secure to the prisoner on his release a least *a chance* of abandoning his guilty career, and entering on an honest course of life,—whether to protect him against the necessity of relapse by throwing as thick a veil as we can over his unhappy antecedents, or to protect society against the probability of his relapse by keeping him constantly under surveillance,—in what way we are to prevent our respect for individual liberty from interfering with the measures which the safety of the community requires, — in what mode we are to provide for the health, the cleanliness, the safe custody, and the reformation of the criminal, without rendering his condition more comfortable than that of the honest, hard-working, independent labourer,—how to dispose of the thousands whom we used to transport, and of the thousands whom we are still annually liberating and remanding back to the alternatives of destitution or of crime, — how, in fine, we are to dispose of existing criminals, and how to cut off or diminish the supply of them in future? — these are some of the urgent questions to which we have to devise a prompt, a satisfactory, and a practical reply.

We do not design, by this formidable array of matters for discussion, to terrify our readers into supposing that we are about

to treat them all in turn, and *in extenso*, within the limits of an article. Some may be considered as nearly set at rest; on some, certain general conclusions have been gained and established; some, though deeply interesting and important, affect rather our mode of viewing the subject than our positive action upon it, and may therefore lie in abeyance. Our object in the following pages is merely to explain the present position of the mighty series of topics involved, to consider one or two great principles which should guide our plans and give system and consistency to our proceedings, and to urge upon the public those measures which justice and prudence command us to take without one hour's needless delay. The subject is one which henceforth will occupy one of the foremost places in the attention of the country; and it is of the utmost consequence that every man should be made aware of its urgent importance, and should qualify himself as far as may be for judging correctly and acting sagaciously upon it when brought before him in his several capacities, whether as elector, magistrate, juryman, ratepayer, or simple citizen.

We need not discuss the question whether the criminal should be regarded as an object of mere penal retribution—a sinner on whom we are entitled to take vengeance—a social enemy on whom we may retaliate according to the amount of injury he has inflicted on us; because, though this was the original view of punishment,—the first uncorrected impulse of the natural man, a milder religion and a wider philosophy have long since dissipated such harsh conceptions; and though Mr. Carlyle has recently thrown the ægis of his eloquence over the abandoned error, we smile somewhat sadly on his monograph as one of the latest extravaganzas by which he has so often impaired his usefulness and slandered his reputation. We are satisfied now, and it needs no argument to confirm us in our conviction, that with the partial and inadequate means at our disposal for discerning motives, gauging temptation, and estimating guilt, — with our scanty knowledge, our limited vision, and our fallible judgment, — any attempt to apportion punishment according to the measure of *actual criminality* in the offender, can only lead to incessant discomfiture, cruelty, and injustice. The same act which indicates the most hardened turpitude in one man, may in another bespeak only inability to resist sudden impulse and bewildering desire. The same punishment which to one convict would be too gentle for a theft, may, to a differently organised offender, be too severe almost for a murder. Vengeance which repays, can, by its very term, belong only to that higher Intelligence which can estimate

aright the debt to be repaid and the value of the coin allotted in repayment.

Nor shall we lose any time over the controversy, whether the reformation of the offending individual, or the welfare and safety of the offended community, be the proper aim of penal infliction, because in actual practice the system of discipline and disposal adopted with regard to convicts will be precisely the same, whichever view we take of the ultimate purpose to be kept in view. Now that we can no longer effectually and for ever get rid of our criminals by hanging them, nor by casting them irrevocably on a distant shore, but are compelled to restore them to the world as soon as their term of punishment expires, it is obvious that that system will most securely guarantee society against a renewal of their outrages and depredations, which has most thoroughly reformed their habits and dispositions while in prison. The community can only be protected against the criminal in four ways: *first*, by incapacitating him from offending during the period of his sentence; *secondly*, by inflicting upon him such an amount of suffering as shall deter him from offending in future; *thirdly*, by producing such a change in his character as shall indispose him to offend in future; *fourthly*, by liberating him in such a manner, and under such circumstances, as shall render it unnecessary to offend in future. The criminal can only be reformed and secured in his reformation by the same four processes—by incapacitating him from crime during a term long enough to enable reforming and deterring influences to operate upon him; by subjecting him to such pain and privation as shall associate sin with suffering in his mind, and shall convince his reason that crime, *with its accompaniments and consequences*, is an undesirable thing, and a bad bargain; by bringing to bear upon him such social, moral, and religious influences as shall really alter and regenerate his disposition; and, finally, by *enabling* him, on his restoration to the world, to turn over a new leaf, to lead a new life, and to retain those improved habits and feelings which have been implanted during his period of penal seclusion.

Nor shall we trouble ourselves or harass our readers with any calculations of expense. We consider such to be wholly beside the mark in considering a question of such vital, moral, and social consequence. We put them away, and refuse utterly to entertain them, on three grounds. *First*, because the difference in cost between the most perfect and expensive and the most cheap and clumsy system of treating and disposing of our criminals is a trifle wholly beneath consideration for a nation which can vote without hesitation ten or fifteen millions for a just but not

necessary war; which never demurred for an instant to give twenty millions for the liberation of 800,000 of its own slaves, or to spend half a million annually to intercept the slaves of others; whose middle classes add yearly fifty millions to their accumulated capital, and whose lower classes squander yearly fifty millions in tobacco and in drink; which, in a word, can do any duty, indulge in any generosity, commit any folly, which it pleases. *Secondly*, because parsimony in such a case would be inconsistent, as well as paltry. If economy be our object—economy, that is, in the first outlay—let us hang and flog as of yore. If we wish to do our work thoroughly, to effect our purpose completely, let us do so at whatever cost—certain that the best plan will be the cheapest in the end; that to that best plan we must come at last; and, therefore, that all expenditure incurred in attempting, under the guise of economy, to put up with inferior and more frugal schemes will have been gratuitously thrown away.* *Thirdly*, because it has been proved *usque ad nauseam* that the most costly system of secondary punishment which could be devised—if only it gained its object and did its work, if it cut off, as it ought to do, the source from which the criminal population is recruited, and secured those once rescued from returning to swell its numbers—would be a pecuniary saving to the community, in comparison with which no outlay which we can conceive possible would be worth one moment's consideration. This may be readily believed when we remember that we have habitually 6000 'convicts' on our hands (*i. e.* those sentenced to transportation or penal servitude), who cost about 20*l.* a head in prison for maintenance alone, independent of the expenses of their apprehension and conviction; that these represent a far larger number who are still preying on society, and making large earnings in the prosecution of their criminal proceedings; that, in addition to these, 150,000 persons pass through our prisons annually, remaining there a longer or shorter time; and, finally, that all these, and the whole of the criminal class (now at large) to which they belong, instead of preying upon the community to the extent of probably at least 30*l.* each annually, ought to be (and in time would be, were crime judiciously and effectually dealt with) adding to the wealth of the community by at least an equivalent amount of honest earnings. To attempt to give an approximation even to the saving which might be effected by a

* If Mr. Burt's account is to be trusted, an injudicious parsimony has been suffered to interfere most injuriously with the efficiency of the system pursued at Pentonville.

really successful system of repressing and preventing crime would be simply delusive. The materials for such an estimate do not exist; the total numbers of those who live by crime is not known; the amount of their earnings can only be guessed at; some escape detection, and live prosperously all their lives; others are wretched and unsuccessful; but numbers, we have every reason to believe, live luxuriously. We know, however, that our convict establishment alone, at home and abroad, costs above 500,000*l.* a year: that the expenses in other prisons are nearly 500,000*l.* more; that these are the expenses brought upon us only by that percentage of professional criminals who are caught; and that in the opinion of those who have most closely investigated the subject, by far the largest portion of this costly criminality might be either prevented or reformed. These facts, indefinite and incomplete as they are, point to a very definite conclusion.

Nor, finally, shall we suffer ourselves to be deterred from advocating the best method of effecting our object—viz. the welfare and security of the community by the extinction of the criminal population, so far as such extinction is possible, by a class of objections which of late have been put prominently forward, and have met with a degree of deference and attention which, intrinsically, they do not deserve. We allude to the complaints which have been urged of the danger and impropriety of such a treatment of prisoners, and such a system of prison discipline, as are supposed to render the condition of criminals undergoing punishment in many respects more comfortable, if not actually more desirable, than that of the poor but honest labourer. For, in the first place, some apparent approximation to such a practical paradox is the inevitable result of regulations which all must admit to be absolutely indispensable, and simple matters of propriety and justice. No one who is not prepared to contend that all arrangements for health, decency, and good order ought to be abandoned as operating unavoidably to render prisons less miserable than they would be otherwise—no one who does not desire to bring back those 'good old times' (before the reforms which were introduced by Howard, and which have been in process of improvement and extension ever since,) when gaols were nurseries of every crime, Gehennas of every abomination, lazar-houses of every loathsome and infectious pestilence—can deliberately and logically justify his disapproval of the system adopted in our better regulated places of confinement. Where numbers of men are congregated together for purposes of punishment, the strictest order is of course indispensable,—and order is undeniably one great element and source of comfort.

In order to promote decency and avoid disease, personal and local cleanliness must be rigidly enforced; ablutions must be regularly performed, and cells must be periodically and effectually swept,—and after the first disinclination to an unwonted custom is got over, there is nothing which promotes comfort so powerfully as cleanliness. Then, if it were merely with a view to the purposes of punishment, it is essential to keep the convicts in good health, because sickness necessarily involves relaxation of infliction, and perhaps removal to a hospital (of which the very object is relief of suffering); and in order to preserve good health a kind and amount of wholesome and well-cooked food has been found indispensable, which it is undeniable that independent and struggling artisans cannot always procure. Again, no one can doubt that, when a number of individuals are handed over for considerable periods to the state authorities for purposes of *correction*, it is a matter alike of simple duty and of simple wisdom to take advantage of the opportunity to impart such moral, religious, and intellectual instruction as may best bring them to a sense of the guilt of their past conduct, and induce and enable them to enter on a worthier career for the future; even though this instruction, which is unavoidably gratuitous with them, the honest and free labourer would have to pay for in his own case, and often to pay for with difficulty. Lastly, where prisoners are confined in separate cells, the most obvious considerations of humanity and safety point out that they should have the means, in case of accident or sudden illness, of summoning the turnkey to their aid. Hence when cynical visitors contrast, for purposes of serious condemnation, the warmed and ventilated cell of the criminal in Pentonville, his comfortable hammock, his clean floor, his ingenious water-closet, his substantial and salutary meals, his Bible and his work for the solace of his solitude, and his bell to call the attention of his gaoler, if he need his services,—with the often cold, gloomy, close and dirty room or hut of the workman without the walls, who, in spite of temptation, has never yet entitled himself to the privileged luxuries of crime,—they are finding fault with arrangements which, in their secret minds, they know perfectly well cannot and ought not to be altered. They are indulging themselves, at the expense of candour, justice, and public duty, in the prerogative of 'Her Majesty's opposition,'—that of blaming while in exile the precise course of conduct which they themselves would find it necessary to pursue were they in power.

In the second place, those acquainted with the habits, tastes, dispositions, and desires of the criminal classes are well aware that the *ensemble* of prison regulations, and several even of those

items which Mr. Carlyle describes* with such envious gusto, are far from being matters of enjoyment or attraction to the prisoners themselves. They are benefits, unquestionably—but, as unquestionably, no temptations. It is true they are kept clean, but this very compulsory cleanliness is of itself a nuisance and a penalty to the habitually filthy and the inveterately idle—which criminals generally are. It is true they have a sufficiency of wholesome food, but they are debarred from what they value beyond everything—luxuries and stimulants. Accustomed for years to place their chief enjoyment in dainties and extravagances, in exciting banquets, in smoking, chewing tobacco, and in drinking, in wasteful excess of every feverish and wholesome sort,—they feel severely the confinement to a simple diet and the rigid denial of tobacco and intoxicating liquors. It is true they have their lessons and their schoolmaster; but it is not to men accustomed to the wild reckless life of the social outlaw that schooling can ever be other than intolerably irksome. It is true they have their loom, or their shoe-last, or their tailor's-board in their cell; but they have often their crank too. If labour is enforced, it is to the indolent and self-indulgent a severe infliction; if asked for, as it often is, as a solace and a refuge from solitude and oppressive thoughts, it is a measure of the suffering from which it is welcomed as a relief. The mere system of restraint, the enforced *regularity* of a prison life, is an hourly penalty to men to whom license of every kind has become a passion, and almost a disease; and to be compelled to observe certain hours, to conform to certain rules, to do certain things at fixed times, is, to them, of itself a galling punishment, the hatefulness of which is scarcely conceivable to those brought up in habits of regular industry and unceasing, though perhaps unconscious, self-control. And, lastly, to those with so few becoming tastes and so few mental resources as prisoners generally possess, we can scarcely conceive any severer privation than that of being entirely debarred from the company of friends and associates, and reduced to a solitude broken only by the occasional visits of a silent turnkey, an exacting schoolmaster, or a possibly grave, ungenial, and hortatory chaplain.†

In former times, no doubt, as in slovenly and ill-conducted gaols at present, there may have been many features which rendered imprisonment scarcely a matter of dread to the criminal, and almost at times a thing to be desired by the destitute

* Latter-day Pamphlets, 'Model Prisons.'

† See Hill on Crime, p. 188, *et seq.*

and half-starved peasant. But we are now speaking of an amended state of things, and of those prisons where separation is adopted, and where other fitting regulations are enforced: of such prisons, in fact, as Mr. Carlyle has selected for his mischievous misrepresentations; and, considered with reference to these, there can be no serious doubt in the mind of any one that no offender, knowing what they are, will willingly incur the risk of entering them, and that no honest labourer, even in his hours of hardest toil and severest privation, would ever deliberately fancy the condition of their inmates as even momentarily preferable to his own. The objections, therefore, which have been suggested to well-ordered prisons are wholly speculative; they may afford tempting and irresistible topics of declamation to habitual *frondeurs*, or to men whose love of ingenious paradox has been suffered to grow into a disease; but those conversant with the question know them to be devoid of any practical weight or value. No man leading a life of honest though severe toil was ever yet tempted into crime by a belief that the position of the convict in a model prison was really more enviable or less wretched than his own.

Having thus cleared the ground around us, we are in a position to approach the practical problem which we have to solve—the best mode, viz. of disposing of those offenders who are already within the grasp of the law, and of saving others, now innocent, from incurring its penalties; of preventing convicted offenders from relapsing into the criminal class, and preventing that class from being swelled by those who have not yet entered it. We have to consider how to secure them from falling into guilty courses; how to sentence them when convicted; how to treat them while in prison so as to effect their reformation; and how to deal with them when liberated so as not to lose the benefit of the change of character and habits which we have wrought.

It is obvious that so vast a problem, or rather series of problems, as this, is a matter rather for a treatise than an article, and cannot be more than *effleuré* within the limits to which we are confined. To treat it in any measure satisfactorily, we should have either to write a whole book, or to return to it again and again. It is, however, capable of convenient subdivision; and the best way of dealing with it will probably be to approach it in our discussion as Englishmen approach all wide subjects in practice—take first that branch of it which most urgently presses for solution, and which, in fact, cannot be postponed—meet the difficulty of the day in the soundest and most effective manner possible, and then take measures for

mitigating that difficulty in future. Two things appear to us perfectly clear and undeniable: *first*, that (since the resource of disposing of our criminals by exiling them when their crimes have become too heinous to be dealt with by any minor punishments, has been cut from under us,) if we persist in the old plan of returning them, after brief periods of confinement, hardened, accomplished, exasperated, and *unprovided for*, into the mass of the population, offences will soon outgrow and overpower all our means of repression, to the infinite damage and disgrace of our civilisation; and *secondly*, that, by the adoption of a better system, and the exercise of an earlier foresight, we may easily and certainly reduce crime within such annually narrowing limits as will leave us little difficulty in disposing of the residuum, without the necessity of a single *permanent* addition to our present prison accommodation, and without being baffled or materially inconvenienced by the loss of transportation as a resource, however much we may regret that circumstances should have rendered its abandonment inevitable.

The immediate question, then, which is forced upon us, and to which we shall without further preface address ourselves, is, *what are we to do with those convicts whom we have hitherto been accustomed to transport to Australia, but whom Australia will no longer receive?*

The history of the system of transportation is a curious and instructive, rather than a creditable one. Probably the dislike to retaining a large number of criminals at home, the expense attending their permanent confinement, and the difficulty of profitably employing their labour while under sentence, or of satisfactorily disposing of them afterwards in an over-peopled country, were the combined motives which led to the establishment of penal settlements in the Australian colonies. After a while, free immigrants began to arrive in those colonies; some of the officers in charge of the convicts received grants of land, and established there their permanent abode; and numbers of the offenders whose term of punishment had expired followed their example. The nucleus of a settlement thus formed, the population rapidly increased, attracted by the two combined and unusual advantages of cheap land and cheap labour. At first, and for a long period, the convicts transported to those colonies were *assigned* on their arrival to such of the free colonists as applied for their services; they were, in fact, 'bound apprentice,' or, rather, given as slaves for limited periods to various masters who carried them up the country to their respective locations, and had them, of course, almost

entirely in their power. A system like this, though it worked admirably for the material interests of the colony, and is now universally admitted to have been far preferable to that which superseded it, was obviously liable to many objections, and accompanied by much moral evil; the absence or paucity of women led to horrible demoralisation; the comparative and sudden freedom thus conferred upon some of the worst criminals was often scandalously abused; and transportation became a severe punishment or a positive reward (exile and the sea voyage alone excepted), not according to the heinousness of the offence committed, but according to the character of the master to whom the convict chanced to be assigned. These evils appeared so monstrous and indefensible to many persons at home, and were, in fact, so undeniable, and the plan of 'swamping a new world with the refuse of the old one,' as it was called, seemed so scandalous, that after much agitation, and some inquiry, a Committee of the House of Commons, in 1838, condemned the whole system, and advised its immediate abandonment. It was then resolved to discontinue the system of assignment, and to compel all convicts on their arrival in the colony to pass a certain period of probation in the hands of the Government, which should employ them in penal gangs on public works, and, after a varying term, and according to their behaviour, grant them passes which entitled them to be hired by any of the free settlers who needed, and were willing to pay for, their services—a fixed portion of their wages to be paid into the British treasury. It was hoped, by this alteration, at once to ensure transportation being made a real and severe punishment to all convicts, and also to prepare them by a preliminary discipline for their state of comparative freedom as labourers on leave.

Unfortunately, accidental circumstances and complicated mismanagement led to the signal and disastrous failure of the new plan. Up to 1840, the convicts transported to Australia had been divided between New South Wales and Van Diemen's Land. In that year, however, Lord John Russell, being Colonial Secretary, an Order in Council was issued for certain reasons, discontinuing the former colony as a place to which convicts were to be sent, and concentrating therefore the whole number on the smaller settlement of Tasmania. At the same time, arrangements were contemplated for reducing the number who would have to be thus disposed of by keeping many more than usual under penal discipline at home. The House of Commons, however, in 1841, over-rode this last plan by an address to the Queen which was carried against the Government, but left in

full force the order in Council which it alone could have rendered practicable or safe. The result was, that double the usual number of convicts were sent to Van Diemen's Land, precisely at the time when the abolition of the assignment system required the Colonial Government to retain these convicts in their own hands for considerable periods of probation, and to find work and safe custody for them. Lord Melbourne's Ministry had now gone out, and Lord Stanley was Colonial Secretary, and the confusion of the change contributed to aggravate the mischief. Everything combined to ensure failure. No adequate additional buildings were provided beforehand for the reception of this formidable influx; no sufficiently increased staff of officers and engineers had been sent out to control, guard, and direct the labour of these many thousand felons*; the casual distress, financial and agricultural, which embarrassed the colony for two or three years, considerably diminished the demand for the services of those convicts who were eligible for tickets-of-leave; and, to crown the whole, a most unfortunate fit of economy induced Lord Stanley to issue an order that no settler should be allowed to employ any convicts without paying the full value of their services into the British Treasury — a regulation, in the then state of the colony, equivalent to placing these services out of reach of the impoverished Tasmanians. In consequence of this unfortunate concatenation of blunders, the number of convicts on the hands of the authorities had increased in 1845 to 12,000, of whom 3,268 were pass-holders entitled to free labour, but unable to obtain masters; and the accumulation of such numbers when there was no adequate accommodation for them, and no means of effective discipline, led to a state of things so intolerable, immoral, and abominable, that Mr. Gladstone, who succeeded Lord Stanley, decided that it was absolutely necessary not only to modify the system, but entirely to discontinue transportation to Van Diemen's Land for at least two years.†

Such was the state of matters when another change of Ministry took place, and Lord Grey succeeded Mr. Gladstone in the management of the Colonial Department. It was obvious that no time was to be lost in devising a remedy. The Cabinet gave its careful attention to the question, and a system of secondary punishment was adopted for carrying out sentences of transportation,

* The number which was 1658 annually from 1829—1840, was 3527 from 1840—1845.

† Dispatches of Mr. Latrobe and Sir W. Denison. Lord Grey's 'Colonial Policy,' II. ch. i.

which we consider to be, in theory, as nearly perfect as any human device can be; which, if adopted some years earlier, would have worked admirably and satisfactorily both for the mother-country and her dependencies; and would have effectually, and for an indefinite period if not for ever, have solved the problem which is now perplexing our ingenuity and menacing our peace. To the contrivers of this scheme four points seemed proved clearly and beyond dispute; and no one who has been at the pains of studying the vast volumes of evidence which have now been collected on this subject will feel disposed to dissent from them: — That a sentence of transportation ought to involve a real, unquestionable, and as far as may be a uniform punishment; that penal servitude, whether simple imprisonment or enforced and associated labour, ought to be, and can best be, inflicted in this country, where surveillance can be most effective, discipline most easily secured, and abuses most promptly detected and rectified; that it is quite possible to frame a system of prison discipline by which the vast majority of offenders may be so really re-educated and reformed as to become as safe and valuable members of society as the generality of labouring men; and, finally, that it is only by removing them, *when so reformed*, to a new country, and to wholly altered circumstances, that the better life they have been trained to lead can be rendered possible to them, — or at least probable for them. It was obvious that *punishment* could be more cheaply, safely, and advantageously administered here than at the antipodes; and that, while it was unjust to the convicts and dangerous for the mother-country to retain them at home after their sentence had been undergone and their reformation effected, it was equally unjust to the colonies to pour them out upon foreign shores straight from the dock, uncorrected, unsoftened, and untrained.

On these admirable bases the following arrangements were devised and decreed. Every convict sentenced to transportation or its equivalent *, underwent three distinct periods of punishment. He was sent in the first instance to one of the prisons under the immediate control of Government, as Pentonville or Millbank, for twelve months, during which time he was subjected to separate confinement. He had a cell to himself, and a prison dress which concealed his face from any one whom he might meet; he saw and conversed with no one except the

* Penal servitude is the term now employed, leaving the actual destination of the offender to the decision of the Secretary for the Home Department.

governor of the goal, the turnkey, the chaplain, the schoolmaster, and the instructor who taught him a handicraft; he worked at his trade if he had one; he learned one if he had not; he was taught to read and write, and often more than this; regular habits of industry were enforced and encouraged by certain fixed gratuities and indulgencies; and every possible moral and religious influence was brought to bear upon him. He was of course secluded from all temptation and all evil example; he was treated with firmness, but with kindness too; he was made aware that both the length, and in some measure the severity, of his punishment would depend upon his good conduct and upon the capacity and disposition which he manifested for real amendment, and not mere professed repentance; —and few who are acquainted with the impressibility of most criminals when *in seclusion*, and with their singular susceptibility to kindness, or who have studied the actual operation of this separate system wherever tried, will be disposed to question how great and genuine was the change of character effected in the majority of cases.

But of course a period of twelve months could not be relied upon for altering permanently the habits and tendencies of a whole life; the most sagacious chaplains and the most watchful governors might often be deceived by professions and appearances of amendment which crafty prisoners might keep up even for a year; the most impressible offenders while in solitude might be those who would most easily fall under temptation when again exposed to it; and at all events it would not be safe to cast them loose even under new circumstances and in a thriving colony without some further period of probation of a different sort — without, in a word, seeing how they would conduct themselves, and training them to conduct themselves well, in association with others and in steady industrial occupations. On their liberation from the 'separate' prisons, therefore, they were transferred to Portland, Dartmoor, Portsmouth, or elsewhere, for periods varying in duration, but generally about equal to one-third of the whole term of their sentence. Here they were employed on public works of various sorts, agricultural or architectural, such as building, fortifying, erecting breakwaters, &c., under strict and efficient superintendence; some occupying separate cells at night, some sleeping in large rooms under fitting regulations and surveillance; some being allowed more, some less liberty of intercourse; but all kept in order and kept up by the stimulus of hope, by knowing that good behaviour would shorten and misconduct would prolong the period for which they

were condemned to labour—a period varying from two years to ten.

During this period, moral, religious, and to a certain extent intellectual education was continued; at the termination of their allotted years, when it was to be supposed that the good influences, first of seclusion and then of modified association, had worked their expected effect — when those in charge of them deemed them fit for a new phase in their retributive career — and when their numbers had been weeded by remanding to Pentonville, or to renewed detention at Portland, the incorrigible and the insubordinate; the selected convicts were sent to Australia with tickets of leave, which conferred a sort of conditional freedom — *i. e.* they might obtain work for themselves and on their own terms, but the authorities might if they pleased dictate to them the localities in which they were to reside, and in case of misbehaviour might re-imprison them without a new trial. In fact they were freemen *quamdiu se bene gesserint.* They might begin life afresh, under hopeful auspices, and with the advantage of the moral, religious, intellectual, and industrial education they had received during their term of imprisonment and servitude.

Of course there were some of the minor details in this plan which were found to require modification as experience suggested improvements or discovered dangers. It was found that complete seclusion could not be continued with advantage or without risk for so long a period as was at first designed. It was for some time considered rather questionable whether the 'association' at Portland would not undo some of the good attained by the 'separation' at Pentonville and Millbank. It was thought necessary to substitute 'tickets of leave' in the colonies, for the 'conditional pardons', which had at first been granted, as the former gave the authorities a readier control over any unmanageable or relapsed offender. But these were secondary matters, and mistakes regarding them were easily rectified. In spite of occasional disappointments, the system, as far as time and circumstances allowed it to be tested, was found and was admitted to work admirably; or where it failed, the failure was traceable to the imperfect manner in which the practice corresponded to the theory. Some individuals were incorrigible, and some deceived the hopes of their friends as to the reality of their reformation, but it is proved that the greater proportion of the prisoners left Pentonville genuinely altered men. At Dartmoor and at Portland, the cheerful industry of the prisoners is the constant subject of eulogy by their superintendents, and the new comers, even if at first somewhat

indolent and restive, are found speedily to fall into the better habits of their predecessors; while the intercourse with their fellow-men, watched and limited with care, prepares them for more unrestricted mixing with the world when transferred to another hemisphere. Finally, we have ample evidence of the success of the system, as far as regarded those 'exiles' who reached the colonies, in the fact that they were engaged at once as servants by the colonists, in preference to free but uncertified emigrants who arrived at the same time, and in the testimony which comes to us, and which is *à priori* probable enough, that convicts who have passed through such a careful and severe training as is afforded by a year at Pentonville and three years at Portland, are on the whole more eligible servants and more hopeful settlers than emigrants taken at random from the uneducated portion of our artisan or rural labourers.*

Unhappily this excellent arrangement, which, steadily and judiciously carried out for a series of years, might have relieved us from our difficulty, and been the opening of a new page in the moral history of the country, was devised too late. An opposition to the reception of convicts under any regulations had in the meantime grown up in our Colonies in the southern hemisphere; an opposition partly spontaneous, partly artificial—partly genuine and honest, partly interested and insincere—partly well-founded, partly unreasonable and excessive; but impossible either to ignore or to overbear. Many colonists protested with vehemence against a young nation being swamped and contaminated by the offscourings of an old one. Free labourers in Australia dreaded the reduction of wages which they conceived would follow an ample supply of convict labour. Moralists at home were shocked at the continuance of a system from which such horrible enormities had been shown to result. Transportation, it was said, had been long tried and repeatedly and deliberately condemned. It had failed under the 'assignment' system; it had failed under the 'probation' system; it had been protested against by the colonists and the Colonial authorities, and the protest had been solemnly re-echoed by statesmen and philosophers at home. Lord John Russell had found it necessary to countermand the sending of convicts to New South Wales; Mr. Gladstone had found it necessary to suspend the sending of them to Van Diemen's Land; and it was monstrous

* We do not want to overload our pages with special references; but the authorities which bear out our statements will be found in the books and documents placed at the head of this article, and more especially in the reports of the Surveyor-General of Convict Prisons.

to endeavour to re-commence an abandoned plan. It was to no purpose that the authorities at home represented that the system now arranged bore no assignable similarity to either of those which had been proved so unsatisfactory or disastrous; that it avoided the errors and supplied the deficiencies of both; that the men who would now be sent were offenders whose punishment had been already undergone, and whose reformation was, it was believed, effected; that they were, and would be, safer, better, and more respectable labourers than the pauper emigrants who were welcomed by thousands; that they should be counterbalanced by equal numbers of women and of free emigrants; that their reception by the colonies would afford them their only chance of following and prospering in the honest life they were so desirous of leading in future; that New South Wales and Tasmania were both originally convict settlements, and owed their present prosperity to convict labour, and that it was scarcely just in them now to turn round as soon as they could dispense with it, and refuse to receive it even in an amended form; and that in any case they were dependencies and children of Great Britain, and that it was ungenerous to refuse to aid the mother-country in a serious dilemma, when it was shown that they could do so without any mischief to themselves. It was in vain even to urge that the opinion of the colony itself was a divided one; that many of the most experienced and respectable of the settlers still petitioned for a supply of 'exiles' under the new arrangements; and that several of those who were loudest in their outcry against receiving convicts were the first to engage them when they landed. These representations had no effect; the agitation was begun, the cry had been raised, the anti-convict league had been formed, and the colonial prejudice had become so general, and had such an unquestionable element of truth mingled with it, and met with such respectable support at home, that it was felt it would be unwise to make head against it any longer. The gold discoveries, too, had come in as a powerful auxiliary on the adverse side. It was feared that transportation to an El-Dorado might induce offenders to overlook the years of penal discipline through which only they could arrive there, and would prevent the sentence from being looked upon with terror. It was felt that the temptation to a vagabond life might be too strong for the new-born virtue of the exiles; and above all, that it might be impossible, under these altered circumstances, to maintain a sufficient establishment of policemen, guards, and superintendents to keep in control those who might be remanded to penal inflictions. Accordingly, transportation to Tasmania and New South Wales was definitively abandoned two years ago. The

two first portions of the system we have been describing, — the separate confinement at Pentonville, and the associated labour at Portland and elsewhere, — still remain in force*; but a substitute has to be devised for that third period of the offender's term which was intended to be passed as a ticket-of-leave man in Australia.

The first idea which suggested itself was the establishment of a new Penal Colony either in some part of the Australian Continent at a distance from existing settlements, or in one of our other possessions in a remote quarter of the globe. But this notion was abandoned almost as soon as formed. It was felt that such a penal settlement would not answer any of the objects desired. Experience and reflection had already brought us to the decision that all *punishment*, properly so called, should be inflicted under our own eye, and that the period of restraint and compulsion ought to be passed at home; while a new colony, unprovided with a large, free, and enterprising population, would be utterly unable to absorb the labour of the liberated convicts, or to merge and disperse the criminal elements among preponderating numbers of healthy and innocent inhabitants, or to afford to the exiles the needed opportunity of entering on a new career, and bidding an easy adieu to all their former habits and associates. It would have been simply the early history of Sydney over again — a concentrated collection of expirees, unmodified and unaided by a preponderance of better influences.

Another scheme was too obvious to be overlooked, and presented too many temptations to be relinquished, except after much consideration, and with great reluctance; and it is one to which we confess that we still look with lingering regret, and not altogether without some faint and distant hope. It was this: to add a certain extra term of enforced labour to the present allotted term, and then to send the liberated prisoner to the Colonies, not as an exile, but as a free man, who had endured his penalty, expiated his crime, and was henceforth in the position of any other citizen or emigrant; into whose antecedents it was no person's business to inquire. There was much

* In order not to complicate our argument with needless and transient statistics, we have spoken as if the arrangements for providing the whole number of *convicts* (*i. e.* those sentenced to transportation or 'penal servitude'), with separate confinement in the first instance, and forced labour afterwards, were completed and in full operation. This, however, is scarcely yet the case, though it will soon be. In December, 1852, 1371 convicts still continued in the hulks, where proper separation was impossible; but a process is rapidly going on for transferring these to new prisons built on the improved system.

to be urged in favour of this scheme. It offered the readiest and completest mode of keeping faith with the criminal himself; it gave him that virtual freedom in another hemisphere which we had promised him on condition of good conduct while under sentence; it provided him with the opportunity of becoming a useful member of society, of recovering a lost position, and of atoning for past errors; in short, it secured for him that transference to a new scene and new surroundings which alone, it was notorious, could at once facilitate, consolidate, and reward his reformation. It was felt, moreover, that the Colonies had not behaved well or kindly; that they had unreasonably refused to discriminate between reformed and unreformed criminals — between those whom the mother-country had formerly deported in order to relieve herself, and those whom she was now sending with the view of mercifully opening to them a new career; and that those convicts whom it was wished to send out after the expiration of their sentence, would, in every thing but the mere name, be far more unobjectionable and desirable fellow-citizens than the ordinary run of immigrants who were received without inquiry and without demur. It was argued, too, with great justice, that as soon as these unfortunate culprits had by their liberation re-entered the general community, and become once more free-born and law-recognised Englishmen, no one was entitled to place any restriction on their movements, or to make any allusion to their previous history; that as they had an unquestionable right to emigrate to Australia or Canada, or the Cape, themselves, if they could, so any friendly individuals had an equally incontestable right to help them or enable them to emigrate; and if single individuals, then by a parity of reason, organisations of individuals; and if voluntary associations of individuals, then why not Government itself? And if these whitewashed offenders might, *without the smallest restriction or surveillance*, emigrate themselves — either by means of the funds which their industry had earned while under sentence, or by the aid of private benevolence, or by official assistance — without the Colonies, on any just plea, or by any practicable measure, being able to put a veto on the proceeding; then surely, and *à fortiori*, the same steps might be taken with propriety and safety under the additional guarantee of conditional pardons and temporarily prolonged supervision.

It is difficult to find a perfectly satisfactory answer to this reasoning. There exists a Government Board of Emigration whose duty it is to expend the funds placed at their disposal by the several colonies in selecting and despatching suitable labourers to the various places which require them; and we

can well suppose that these Commissioners may conscientiously believe that men who have passed four years under the most careful, severe, and scientific discipline and education which ingenuity and experience have been able to devise, are likely to make far more eligible colonists—even if they have been formerly guilty—than paupers whom overburdened parishes are anxious to get rid of, or labourers taken at random from the mass of untrained and uncultured peasantry. But, on the other hand, it cannot, of course, be denied that colonies which furnish the funds for emigration are entitled to prescribe the conditions according to which those funds shall be employed. The feeling, too, is general in this country that the prejudices and wishes of the colonies, however violent, selfish, and unreasonable, ought not to be overborne by the supremacy of the mother-country; and that after the Home Government has once conceded to its recalcitrant dependencies that the transportation of criminals should cease, it might fairly be chargeable with a breach of faith if it directly or actively aided the expatriation of those criminals, even when they had become free citizens again. Therefore it must be admitted—however reluctantly—that transportation by the Government cannot be looked to as a means of disposing of those convicts whom we are now under promise to liberate on the expiration of the allotted term of penal servitude, and who number about 2500 annually.

There is, however, one colony, though a small one, which not only consents to receive our exiles*, but looks to them as the instruments by which it may be enabled to emerge from its formerly depressed condition, and to emulate the prosperity of rival colonies. Western Australia, disastrously known in former days under the name of Swan River (we quote Lord Grey's account),

'Owing to the original and fatal error of making profuse grants of land to the first settlers, had dragged on a miserable and doubtful existence, and at the end of twenty years after its foundation, had a population of little more than 4600; while South Australia and Port Philip, founded several years later, had grown into thriving communities, attracting annually from the mother-country, by the aid of their land fund, about twice as many emigrants as there were in-

* Many of the *inhabitants* of both New South Wales and Van Diemen's land are still not only willing but anxious for a continuance of transportation, and one large district, almost a distinct province, (Moreton Bay) of the former, has earnestly petitioned that it may not, in deference to the prejudices and the divergent interests of the capital, be deprived of the benefit of convict labour. But the wishes of these have been overruled.

habitants of all kinds in the elder settlement. At length the prospects of Western Australia had become so hopeless that there was every prospect of the colony being abandoned; when the inhabitants determined, as their only resource, to apply to the Government to have it made a place to which convicts should be transported. This proposal was acceded to, and the necessary arrangements were made for giving effect to it.

'The great object we had in view was to provide another place in which criminals, after being punished for their offences, may be restored to freedom, with a reasonable prospect of maintaining themselves in comfort by honest industry.'

After detailing the cautious and complete measures taken to provide accommodation, safe custody, and employment for the new arrivals, Lord Grey proceeds:—

'We believe that by affording to the small number of settlers already in the colony both a supply of labour and an enlarged market for their produce, and undertaking to execute, by convict labour, the works most wanted for the profitable occupation of the territory, the great natural advantages of the colony would be developed, and capital would be accumulated by the present settlers, and the most industrious of the released convicts, as happened formerly in New South Wales . . . . Hitherto this process has been going on with almost unhoped-for rapidity and success. The first instructions to the Governor as to the measures to be adopted were transmitted to him on the 22d of October, 1849; the first vessel for the conveyance of convicts was chartered in January following, was despatched in the beginning of March, and reached the colony with 75 convicts and 54 pensioners, with their wives and families, on the 2d of June, 1850. Before the close of 1850, 384 convicts had been sent thither, all men who were for a time to be detained as prisoners; and in 1851, before the end of July, 598 with tickets-of-leave were sent. In 1852, 441 more were despatched. By that time ample accommodation had been provided for 500 prisoners, who were usefully employed. Those who had obtained tickets-of-leave have readily found employment; and it appears from the governor's annual report, dated April 12. 1852, which has been laid before Parliament, that they are now gradually becoming good farm servants, working at moderate wages; that the colony is prospering in every respect; various public works which were urgently wanted have been completed; the sale and leasing of land are increasing; a regular trade with Madras and Calcutta has been opened; and (which is most important) the Government states that the "amount of crime as yet "committed in this colony, among all classes, is so slight, that I "do not feel it necessary to make any unfavourable remark whatever."'*

We are as yet without any adequate data to enable us to

* Colonial Policy, vol. ii. p. 63.

determine the number of released convicts whom Western Australia will shortly be able to absorb. Colonel Jebb, we observe, is sanguine enough to rate it at 1000 per annum. This we greatly question; but if, as is not impossible, Moreton Bay, by being erected into a separate colony (for which there is a contingent constitutional provision), entitles itself to the benefit of convict labour, the two settlements together may ultimately relieve us of the number specified. In this case there will still remain about 1500 a year, who have undergone their sentences, and who must be disposed of somewhere and on some terms. The Government, with the sanction of the Legislature, has resolved that these shall be released in this country with licences or tickets of leave, revokable in case of misconduct. Colonel Jebb is sanguine as to the success of the experiment. We wish we could be so likewise.

It is true that great care is taken to secure for the prisoner on liberation a regular engagement with some respectable employer, to whom he can at once be sent. About a month previous to his release it is usual for the chaplain of the gaol in which he has been confined to ascertain from the prisoner whether he knows of any individual likely to give him employment, and to enter into communication with that individual. By this means most who are liberated step at once into honest occupation by which they can support themselves in decency and comfort. In case no such situations can be found for the released prisoners, the authorities, we believe, undertake to employ them till they can 'better themselves'; but hitherto scarcely any have thus been left upon their hands. The following extract will explain the other precautions which are used to save the expiree from the necessity of falling back into evil courses:—

'On receiving the licence (each in a separate paper), copies are prepared on a small parchment form, on the back of which is printed the following condition, serving forcibly to remind a liberated prisoner that he is undergoing a third period of probation, viz:—

'NOTICE.—1. The power of revoking or altering the licence of a convict will most certainly be exercised in case of his misconduct.

'2. If, therefore, he wishes to retain the privilege which, by his good behaviour under penal discipline he has obtained, he must prove by his subsequent conduct that he is really worthy of Her Majesty's clemency.

'3. To produce a forfeiture of the licence, it is by no means necessary that the holder should be convicted of any new offence. If he associates with notoriously bad characters, leads an idle and dissolute life, or has no visible means of obtaining an honest livelihood, &c., it will be assumed that he is about to relapse into crime, and he will be

at once apprehended, and recommitted to prison under his original sentence.'

'*Release of the Prisoners.*

'The steps taken in releasing the men are as follows:—

'Each prisoner during the long term of his confinement has had from 1*d.* to 2*d.* a-day, credited to his account as a reward for industry and good conduct, and as a means of enabling him when discharged to support himself, until he can obtain employment.

'The average amount due to each prisoner of the 1200 who have been already released on licence up to this date has been about 5*l.* to 6*l.*, sometimes reaching three times that sum.

'As a period of thirty days is allowed in the licence within which a prisoner may be discharged, the authorities are enabled to send off a few at a time.

'Every man receives a suit of clothes of a kind appropriate for his future occupation, with linen, stockings, and shoes, and takes with him the Bible and Prayer-book he has had in use during his confinement. An officer accompanies the parties to the railway station, their fare to the place they may have selected for their destination (provided it is not at a greater distance than the place of conviction) is paid and charged to the public, and a few shillings are given for expenses by the way. The licence and a parchment certificate of character and conduct are then delivered to each man, and from that moment they are free, subject only to the conditions of the licence.

'With regard to the sum credited to a prisoner under the head of gratuity or earnings, the amount is at the disposal of the Government, and may be appropriated at discretion for the benefit of the prisoner. It has been considered that the most judicious course will be to give each prisoner on discharge a Post-office order for about half the amount due to him, payable at the place of his destination, reserving the remainder to be paid on his application at the end of a certain period, supported by a certificate that he has not relapsed into criminal courses, but is earning an honest livelihood.

'The experience hitherto gained of the results of releasing convicts who have completed a certain term, under penal discipline, of their sentences of transportation, has been limited, but so far it has not disappointed the expectations which had been formed of it.'

Up to the 18th July last, licences had been granted to 1157 male and to 48 female convicts, and only 9 had been revoked, though some had been issued as early as October, 1853.* It is, however, obviously too early to allow us to draw any reliable conclusion as to the success of the experiment, nor can we consider the arguments of Colonel Jebb in its favour as decisive,

* It must be observed, however, that though only *nine* had had their licences *revoked*, the Home Office say that they have no means of ascertaining how many have relapsed into crime, convicted or undiscovered.

though indisputably plausible. He maintains that, short as the period has been, only nine revocations out of 1200 issues is of itself a *primâ facie* recommendation of the system, when we find the *recommittals* in one prison amounting within the year to 3064 out of a total of 3814, and in another to 4086 out of 7436; that if even as many as 75 per cent. of the whole number turned out well—*i. e.* supported themselves without relapsing into crime—the plan might be said to succeed, and society would have no great ground for alarm. He reminds us that the convicts thus to be released will not much exceed 1500 annually, and will consist of those who have undergone four years' discipline and training, and who have conducted themselves satisfactorily during that protracted time; whereas it was formerly customary to send to the hulks all convicts sentenced to seven years' transportation, and to liberate them, *unreformed and unconditionally*, at the expiration of about half that term*; and it is still our habit to discharge from our various gaols, *without any precautions whatever*, from 8,000 to 10,000 prisoners annually, many of whom, though sentenced for comparatively short terms, are really more dangerous and more hardened offenders than the convicts at Portland, Dartmoor, or Pentonville.

This is quite unanswerable as far as fact goes; but we cannot accept the Colonel's inference, or admit that one avowedly dangerous and indefensible proceeding is to be held forth as a reason why we should venture on another, even though this latter may be a few degrees less mischievous and wrong. Nor are we at all prepared to agree that the habitual liberation of such numbers of criminals as are discharged every year from the hulks and prisons of the United Kingdom *does* 'produce no 'material effect' on the comfort, security, and morals of the community. On the contrary, we believe that there can be no doubt that the periodical restoration to the general population of such a vast mass of criminality, much of it of the most heinous description—the re-absorption, as it were, into the system of such an amount of poison annually—is attended with the very worst effect,—is, indeed, one of the most grave and urgent dangers with which we have to contend—is, in a word, the special and peculiar evil against which we have to devise a remedy and a defence. One of our greatest curses and disgraces is the fact that our country swarms with ruffians; the outlaws and enemies of society, who spread terror wherever

* Between 1843 and 1847, 3450 were thus set free to prey upon the community.

they appear; who, though they constantly elude detection, are yet known to live by crime; to whom are due nearly all those guilty enterprises and flagrant and brutal outrages which alarm our peaceful districts, stain the columns of our newspapers, and dishonour our elaborate civilisation; and whose skill and daring have been fostered in those very hulks and gaols from which they are discharged uncured and unsuperintended. One of the greatest difficulties which meets us in our strife with crime is, that some thousands of accomplished masters in iniquity are thus annually let loose upon society to act as instructors to those who are yet young in crime, and as tempters to those who are as yet innocent of its contaminations. So clear, so extensive, so crying are the evils which spring from this source; so hopeless does it seem to stem the tide of professional violence and depredation while those hardened to it themselves are thus every month turned out in shoals to train others; so inconsistent and absurd is it to attempt to check the growth of crime in one direction while we provide for fostering it in another, and to make costly and elaborate arrangements for *reforming* prisoners, while we persist in discharging them when their reformation is clearly incomplete, and under circumstances which absolutely preclude its being lasting—that an able and experienced Inspector of Prisons finds himself driven to the startling but logical conclusion, that criminals, like lunatics or fever patients, ought to be confined, not till they are adequately punished, but till they are thoroughly *cured*—that they should be sentenced, not to two months of penal infliction, or to twelve, but till penal infliction has done its work upon them—not till a certain term has expired, but till a certain effect has been produced. The very anomaly in our actual system which Colonel Jebb adduces as a plea for inflicting upon us a similar anomaly of a less extent and in a mitigated form, is itself the knottiest portion of the problem which we have set ourselves to solve.

It is clear that removal from all intercourse with old associates is the indispensable condition on which alone the reformed convict can be expected to retain his new-born virtue, and steadily adhere to the life of laborious honesty which he has been persuaded to adopt. It is almost equally clear that the difficulties which continued residence in these islands under a ticket-of-leave opposes to this condition are almost insuperable. The convict has proved submissive, attentive, and impressible, while in separate confinement, and while debarred from all temptation, from all animal indulgences, from all stimulating drinks. The more amenable he has been, the more soft and wax-like his mind has proved to the influences brought to bear upon him,

the more facile he has shown himself to the exhortations of the chaplain, the lessons of the schoolmaster, and the occasional representations of the governor, the more favourable will be the impression he has left upon those functionaries, and the more indulgent will be their report of him. Yet this very impressibility of temperament may be his most dangerous weakness, and the worst of auguries for his future power of withstanding the very different and antagonising influences and seductions of a state of freedom. What made him fall so easy a victim to the chaplain and the schoolmaster may make him fall with equal readiness under the influence of the former friend or the allurements of the gay companion. He laboured cheerfully and steadily while on the public works, when no choice was allowed him, when no evil example was before him, when all around were occupied in the same cheerful toil, and when his alternative lay not between diligence and indulgence, but between diligence and penance. But these antecedents, which might make us augur well of his steadiness in a new country and under favouring *entourage*, afford no adequate security of permanent good conduct, amid the seductive whisperings of congenial society and the soothing pipe and the insidious glass. Then, it is to be observed that he is engaged, whenever possible, before his licence is granted him, by some one whom he knows, and has reason to think will employ him; this will probably take him at once back to his former haunts and among his old friends, or, at least, to places where his previous history is known or can be traced,—the very last places, therefore, to which he ought to be allowed to go. Again, if he is married (or connected with some similar tie) as many of them are, his wife and children join him on his liberation, or he goes to seek them out, and by this channel, if by no other, old connexions and acquaintances are almost unavoidably renewed. Whereas, when he was liberated in Australia, a long voyage had in some measure inured him to liberty and idleness, which yet he could not easily abuse; he was thrown entirely among strangers; and, though he was allowed the comfort and advantage of summoning his wife and children to rejoin him, he could do so only on condition of paying gradually out of his earnings one-half their outfit and passage-money.

Finally comes the great embarrassment—that he is known to the police, and that the police seldom keep his secret, and, perhaps, scarcely ought to do. Already this difficulty has been felt and much complained of. On the one hand, however confident chaplains and superintendents may feel as to his genuine repentance and amendment, no one can answer for his strength

or perseverance in a regenerate career, and society is entitled to be protected against his not improbable relapse, as far as vigilance can afford such protection.* His licence, too, bears upon it the warning that he is liable to a remand without any fresh offence, if he be leading an ostensibly idle life or consorting with vicious company; and how can the police be in a condition to execute their duty, and act upon this warning, unless they keep him under pretty close *surveillance?* Moreover, if the ticket-of-leave man left his first engagement, and took service with a new master, this latter might fairly hold himself entitled to be informed of his servant's antecedents, and, in case of suffering from his depredations, would not fail to reproach the police authorities of the district, who knew of his having engaged a man of questionable reputation, and yet had failed to put him on his guard. On the other hand, as the man's only chance of redemption lies in his holding an undamaged position, and being supposed to be an honest man, and as in England scarcely any employer will knowingly engage a liberated convict, and scarcely any labourer will knowingly work along with him,—if the police are permitted to proclaim his real history and position,—he might almost as well be at once remanded back to prison and to crime. That this is no imaginary difficulty, but that it has, in more than one instance, been painfully felt and bitterly complained of by the expiree who was struggling to recover his social position, we know on the best authority; and, indeed, it was stated, and not denied, in a debate in the House of Lords on the 11th of last August, and, we understand, is admitted by Colonel Jebb himself. In conclusion, then, we must say, that the system of release on licence in this country, though not to be abandoned or condemned without longer and fuller trial, must at present be regarded as rather a tentative than a satisfactory solution of the problem—What are we to do with our liberated convicts?

Or, rather, let us say, what are we to do with our liberated *prisoners?* For precisely the same difficulty arises in the case of those criminals who are to be discharged after the expiration of their various terms of imprisonment, as with those who are sentenced to the severer punishments of transportation or penal

* So important is this protection that the sagacious and experienced Mr. M. D. Hill, Recorder of Birmingham, suggests the propriety of keeping under perpetual supervision all who have been once convicted, and of throwing upon them the onus of proving that they are leading an honest life, or at least have some means of honest livelihood.—See his 'Charge to the Grand Jury,' published in his brother's book.

servitude. Hitherto we have considered only the latter class, who are more peculiarly designated by the word 'convicts,' with a view of placing before our readers the position of the question as regards those whom the cessation of transportation more especially affects, and in order to state with greater clearness the difficulties which surround our problem, and the complete failure, or inadequate success, of all schemes hitherto adopted for resolving it. But we may now drop the distinction (which, after all, is more formal than essential), and consider the matter as regards *all* convicted offenders. How are we to dispose of them when they leave the prison doors—either because their entire sentence has been undergone, or because their conduct in confinement has been such as to entitle them, according to promise, to liberation before the complete expiration of their term? There is no especial reason to believe that the offenders who have been sentenced to transportation are essentially more heinous or hardened than those who have got off with one or two years' imprisonment. Often it is only that they are only more clumsy, often that they have chosen or been thrown upon a different branch of the criminal profession; often that, though not more guilty, they have been more violent; often that an accidental circumstance, or even their inferior experience, and therefore induration, has brought them under the heavier condemnation; often only that they have had the luck to be tried by a judge who measured crime by a somewhat different standard from that of other brethren on the judicial bench. The task before us, therefore, is not to find openings into a better life for the 1500 or 2000 'convicts' whom we cannot send to Western Australia, but to dispose of the whole population of our gaols when the term of their release arrives, in such a manner as to enable them if they wish, and compel them if we can, to merge into the mass of honest and industrious men, instead of falling back into the ranks of the criminal, the dangerous, the idle, and the debauched. And when we remember that the number annually sentenced in England and Wales alone, to various terms of detention and servitude, is above 100,000, of whom 30,000 are tried at sessions and assizes, and the rest are summarily convicted, it must be confessed that the problem seems formidable, and the prospect dark enough.*

But if we examine the above figures somewhat more closely, a

* The figures given here, and in the following paragraph, are taken from an analysis of the return of 1848, handed in by Mr. C. Pearson, and contained in the House of Commons' Report on Prison Discipline, 1850, No. 632.

little daylight and a faint hope begin to penetrate the gloomy scene. In the first place we discover that upwards of twelve per cent. of the whole number are under seventeen years of age, and about four per cent. are under fourteen years, and may, therefore, be ranked as 'Juvenile Delinquents,' whose case, as demanding distinctive treatment, we propose to consider separately. In the second place, a considerable proportion of those committed to prison can scarcely be regarded as 'offenders,' and clearly do not belong to the 'criminal classes,' who constitute our peculiar, and indeed our sole real, embarrassment. Two men get into a street row, perhaps in a passion bully the policemen: they are sentenced to fourteen days' imprisonment. A passionate woman quarrels with her neighbour, and gives her a public slap in the face: she is summoned for the assault, fined five shillings, and, in default of payment, locked up for a week.* Another female sells apples *where* she should not, or on Sunday *when* she should not, and being an old offender has a few days in the House of Correction, 'to make her remember,' as the committing magistrate may express it. A number of other offenders, guilty not of *mala in se* but of *mala prohibita*, are sent to prison because they have 'flesh to pine,' but no 'purse to fine,' according to the Scotch proverb. By a number of similar cases is the list of 'Criminal Offenders' swelled. The precise amount of deduction from the returns which must be made for such 'specialties,' we cannot ascertain; but when we find that out of 104,000 convictions, 60,000 are imprisoned for *less than one month*, and 22,000 of these for *less than fourteen days*, we may fairly strike off thirty or forty per cent. for trivial offences which are not crimes, and with the perpetrators of which, therefore, we need not now concern ourselves.† Then comes the con-

* In the Prison Inspector's Report for 1848, it appears that two respectable young women were sent to Edinburgh Bridewell *for beating carpets at the wrong hour*.

† In 1852–3, in Scotland, out of 13,199 offenders imprisoned for specified terms, 2802 were sentenced for ten days or less; 8601, from ten days to two months; 1442, from two months to a year; and 354, for a year or more. Besides these, about 12,000 were imprisoned for indefinite terms, till some fine was paid, or something done. In Ireland, the list was as follows:—

| | |
|---|---|
| Indefinite periods - - - | 7,793 |
| Under two days - - - | 14,161 |
| „ a week - - - | 8,313 |
| „ a fortnight - - - | 12,852 |
| „ a month - - - | 12,032 |

Out of a total of 66,780 sentenced, only 1123 were to imprisonments of a year and upwards.

sideration of 're-committals,' or *recidives*, as the French call them. We have no means of ascertaining accurately from the returns what are the number of *separate individuals* composing the prison population, after re-committals have been deducted; but when we find that many are unfortunate enough to fall within the clutches of the law two or three times within the year; when we learn from Lieutenant Hackett that in his prison out of 700 annual commitments 200 were old offenders, and that one intimate acquaintance of his, though still in the prime of life, had been in prison 100 times; when Mr. Field tells us that the re-commitments to Perth gaol reach sixty-seven per cent., and that of 3817 prisoners in Reading prison between 1844 and 1849, 1704 had been already imprisoned once, twice, five times, ten times, or twenty times; and when the elaborate calculations made by Mr. Neison from the Inspectors' Reports show that just thirty-three per cent. of the criminals annually imprisoned are old offenders*, we can entertain no doubt that the real number of criminals with whom we have to deal is vastly fewer than it appears to be on the face of the returns,—though how much fewer we cannot specify with certainty. We may conclude, then, that—after deducting from those sentenced annually in England and Wales, *first* the juveniles, with whom we must deal separately, *secondly* the *legal* offenders who are not properly criminals, and *thirdly* the re-committals, who swell the returns without actually swelling the number, (and who, if we solve our problem satisfactorily, disappear at once), we shall find the gaol population, of which we have to dispose successfully on liberation, to be reduced within limits, formidable enough no doubt absolutely, but still comparatively manageable.

One of the first conclusions at which we arrive, and which must have suggested itself already to all who have accompanied us thus far, is, that the way out of our difficulty, the path to our object, the solution of our problem, must be sought not in one sweeping plan, but in a combination of many means all converging in one direction,—some being measures of prevention, some of mitigation, some of cure. Foremost among these stands *the rescue and reformation of juvenile offenders*—of those who are driven into crime by circumstances or, as is still more common, trained to it on purpose—apprenticed to it as a pro-

* For all these facts see Report on Prison Discipline. (Blue Book, 1850, No. 632.) Mr. Fred. Hill informs us that one year in Scotland, 393 prisoners were found to have been in prison *twenty* times; one was believed to have been committed 1000 times; and it was calculated that in one district 20,000 separate offences had been committed by only *fifteen* individuals. (*Hill on Crime*, p. 27.)

fession. The evil must be assailed at its origin; the supply must be cut off at its source; the annual and regular crop of recruits, by which the convict population is kept up, must be drained away. It is here, as every one conversant with the subject is profoundly convinced, that our exertions can be most effectively supplied. Men *commit crimes* under temptation or from passion; but the number of those who *become criminals* in mature life is singularly few. Men who have grown up innocent may be casual, but rarely habitual or professional, offenders. The adult criminal has almost always been the juvenile delinquent. 'We scarcely ever knew a goose who had not been a 'gosling.' We shall find proof enough of this position—if indeed it need any confirmation—when we come to treat specially of juvenile crime,—a topic so large that we must postpone it to a separate paper and another time. In the meantime we must be satisfied with simply indicating in this brief manner the first and most important series of measures which our work requires. Those effected or assured, we have henceforth only to consider the case of the *existing* criminal population—of those, that is, above the age of sixteen, who are already embarked in the career of crime: a population, therefore, which (if recruits be cut off) will in the regular course of nature be steadily diminishing, and which it is our task to reduce still faster and further by reformatory or repressive means.

Our next care must be to establish throughout the kingdom such *principles* of arrangement and treatment as experience has shown to be most effective, and as are already in force in our most sagaciously-regulated prisons. Much difference still exists as to details: trial and discussion have, however, nearly eliminated all difference as to the general features of the system by which these principles are to be carried out—the main object to be aimed at, and the chief arrangements by which it can be best secured. To say nothing of the countless books that have been written, and the countless experiments that have been tried, the Committee of the House of Commons which sat in 1850 has left on record both the opinions of nearly every one whose antecedents had peculiarly qualified him to judge, and the conclusions which the members of that committee adopted after weighing all the information and reflection which could be brought to bear upon their decision.

The first point, then, upon which it appears that no doubt can exist, is the *general reformability of criminals*—as a rule admitting of but few exceptions. This conclusion is not one adopted merely by amiable and sanguine enthusiasts: it is shared almost equally by professional inspectors, by amateur magistrates, and

by cold officials. It appears to be held most firmly by those who have had most experience; and it is remarkable that those whose intercourse with the inmates of our prisons has been most intimate and unreserved, have the best opinion of them, and the most regard for them. Even Col. Jebb speaks of them favourably, hopefully, almost affectionately; but Mr. Wright, Mr. Ellis, and Mr. Nash bear testimony still more enthusiastically genial and sanguine to their hidden merits and latent capabilities; while Capt. Maconochie — sometime governor of Norfolk Island, the depôt of the most filtered and double-distilled villainy — appears to regard them with a degree of tenderness and estimation scarcely applicable in strictness, one would imagine, even to the uncontaminated members of society. In all this there is nothing which, on reflection, ought to excite either surprise or doubt. The great proportion of criminal offenders have become such, not in consequence of an inherently bad, or an originally perverted nature, but because, in truth, the circumstances and companions which have surrounded them from infancy have influenced them towards evil with a weight and pressure which even superior natures would too probably have proved powerless to resist. Thousands of them have succumbed to an urgency and continuity of temptation which, even as we read it, we feel conscious would have conquered ourselves far sooner; while few indeed of them were provided with that early education, or those moral safeguards which enable their more favoured fellow citizens to preserve with ease an upright attitude and a straight path. Thousands more have been trained, nurtured, coaxed, bullied into the way of crime by all the forces of parental example and authority combined. Thousands have fallen less because they had no power of resistance than because they had no motive to resist; because living among the outcasts and outlaws of society, their conscience had never been awakened; they had been taught to look upon their depredations as hazardous pastimes merely — as dangerous certainly, but not as wrong. Hence, when placed amid new surroundings, cut off from their old associates, and finding among their new ones a wholly different class of feelings and standard of judgment, and subjected gently and judiciously to a fresh and antagonistic set of influences, their hearts gradually softened by religious teaching, and their minds opened by mental discipline, it is only natural that they should change; the same impressionable nature which formerly made them facile towards evil, now renders them ductile towards good; and if they fall into sensible and sagacious hands, and remain a sufficient length of time under constraint and in seclusion for the new influences to do their work, the wonder would be if, in the majority of cases, some

signal reformation — for the time at least — were not effected. It must be remembered, too, that the criminal classes — the depredators by profession — the regular inmates of our gaols — those with whose disposal we are now embarrassed — are often above the average in intellectual capacity; among children they are the sharpest; among men they are the craftiest; they are for the most part, it is true, untaught and ignorant, but they are seldom either unteachable or stupid. They can therefore take in with unusual quickness the lessons both of mind and morals which are impressed upon them in prison; and even the more reckless and hardened — when they have time to allow, and solitude to enforce, reflection on their past life, and are able to compare its perpetual hazards, its frequent squalor, its fitful alternations of feverish enjoyment and wretched destitution, with the career, now made possible and palpably visible to them, of comfort, security, and peaceful industry — are easily induced to admit that the balance of attraction is not wholly on the side of crime. More than all, we must remember the rough and savage company in which most of them have grown up; the violent temper, the brutal father, the harsh and drunken mother, and all the harmonising horrors which nursed their infancy into obduracy and unfeeling guilt; and when we have pictured all this to ourselves, and realise the fact that many of them *first hear the accents of kindness and the words of tender pity from the chaplain or the governor*, or from some of the messengers of mercy who are allowed to visit them in prison, we shall not wonder at the almost magic influence which, according to the testimony before us, language and treatment so unwonted and unexpected are said to exercise. From their associates and friends, even from their family, they had seldom heard anything but curses, or experienced anything but selfish neglect, or more selfish brutality. From the authorities to whose care they are consigned, their supposed enemies, the representatives of the society which they have injured, they meet with gentleness, sympathy, and forbearance. Is it strange that the contrast staggers them, awakens their dormant sensibilities, unlocks the fountains of healthy emotion, and opens the parched and arid soil to the blessed seeds of new feelings and an altered life?

The reformability of the great majority of criminals, then, is the first* point which we may regard as settled beyond contro-

* If any confirmation of this were needed, the very small number of punishments and the very respectable behaviour of convicts in the well managed prisons would supply it. (See the Reports of the Rev. Joseph Kingsmill, *passim*. See also Mr. Burt's book, ch. i.)

versy. We have also arrived at a very general agreement as to the main features of the system by which their reformation may be best secured. These are, *separation, followed by a period of associated labour,* as the arrangement; and *firmness, kindness, and hope,* as the principles.

We are particularly anxious to spare our readers any needless labour, and we shall therefore go back upon no old discussions or decided controversies. We will abstain from all disquisition on the several merits of the 'separate,' the 'solitary,' and the 'silent' system, as well upon those plans of 'classification,' which were the first groping attempts of inexperienced benevolence to escape from the inconceivable abominations of the old habit of indiscriminate association, and which, we regret to say, are still adhered to in many local prisons, though long since abandoned in all those under the direct control of the Government. A few moments' consideration would suffice to show that no system of classification could possibly obtain its end. The first which suggested itself, namely, the separation of the tried from the untried, would often throw together the innocent and the guilty just as promiscuously as any other plan; so would classification according to age; so would classification according to the length of the sentence or the nature of the crime; so, in fact, would classification according to any arrangement except the practically impossible one of estimating the relative wickedness of each prisoner, and allowing the comparatively innocent, and the enormously guilty to herd together. Moreover, it was obvious that any system which allowed to criminals of whatever grade of guilt the unrestricted company of their associates must not only immensely mitigate the severity of the punishment, but must render reformation hopeless, and thus defeat the two great ends of incarceration, and make prisons, nearly as much as before, scenes of certain contamination, and schools and hotbeds of iniquity. The 'solitary' system drove the criminals mad by scores; no brain, much less an unfurnished and uneducated brain, could stand it long with impunity. The 'silent' system, when the criminals associated and worked together under close supervision, was found to be chiefly efficacious in stimulating their ingenuity into almost supernatural activity, in order to evade their officers, and contrive some means of communication. All these plans have now been abandoned in theory as indefensible, and continue in practice—where they do continue—under protest, and from temporary necessity; and the system sanctioned by the highest authorities, and adopted, or in process of adoption, in all our best regulated prisons, is this. Each prisoner, both before and after conviction, has a separate cell, in which he works, and where he is cut off

from all society except that of the turnkey, the chaplain, the schoolmaster, and the governor—to whom is added where necessary that of the master who teaches him his handicraft; but where one or all of these functionaries visit him daily. Thus he has solitude enough to force him to reflect, but not enough to depress or disorder his mind. He sees enough society and conversation to keep him from lethargy or despair; and all the society he does see is good. If committed for so short a period that determent, and not reformation, is the only object that can be attained, he is employed generally in *penal* labour* —if committed for longer terms, he is employed in *useful* and productive labour—at his old trade, if he had one—at one that he is taught, if he had not. He attends school and chapel daily, but at neither can he communicate with, or be seen by, the other prisoners.

Much difference of opinion has arisen as to the length of time which this separation can be continued with benefit and without cruelty. At first it was tried on some convicts for eighteen months, that term has now been reduced to a maximum of twelve months; and it has recently been found desirable to mitigate the severity of separation towards the end of the term (and in the case of some prisoners earlier), by permitting them to take exercise *in sets*, but still wearing masks which render recognition impossible, and in the presence of officers who prevent any conversation. It is even admitted that the full *good* effect of separation has sometimes been produced in comparatively few months; and that a continuance of it thenceforward rather undid than aided the work of reformation, rendering the prisoner sullen, spiritless, and indolent. These, however, are merely details of management, requiring vigilance, judgment, and liberty of action on the part of the authorities entrusted with the administration of the system, but in no degree militating against the soundness of the system itself.†

By the plan we have described, temperance and fixed and early hours are enforced; self-indulgence is checked; a habit of industry is generated; reflection is in a manner necessitated; work, whether intellectual or handicraft, is looked to as a relief

* According to the best system, by a 'crank' in his cell, so many revolutions of which he must register.

† The Rev. John Burt, assistant chaplain at Pentonville, differs from most authorities on these points. He not only urges in the strongest manner the rigid adherence to the separate system, but maintains that *nine* or even *twelve* months are quite insufficient for effecting the needed reformatory operation on the mind of the convict. He would keep them in strict seclusion for eighteen months or more.

from tedium and solitude; and a variety of moral and religious influences are brought to bear upon them—among which friendly conversation with the chaplain and the governor is not the least efficacious. But all these would be nearly inoperative without the aid of HOPE. If the criminal felt that he had no prospect before him but that of wearing out as he might the long period of his sentence; that no exertion or self-denial of his own could mitigate the severity or shorten the duration of his punishment, — the most powerful of all motives to reformation, and the most certain of all means of reformation — *effort from within*, not submission to compulsion from without — would be wanting. Every mere theoretical student of the question must feel this; every official, or observer, of practical experience, urges it as the key-stone of the whole system. You must give the criminal an object to work for,—a prospect to look forward to,—a task by doing which, a line of conduct by conforming to which, he may improve his position or attain his liberty. On this principle all are agreed; the mode in which it is to be practically carried out, the way in which this mighty motive can best be brought to bear upon the prisoners, gives rise naturally enough to much difference of opinion and to the recommendation of many discrepant schemes. Some would condemn them to labour till they had repaid society the cost of their depredation, apprehension, conviction or detention, and liberate them when they had done so. Others would permit them, by a supererogatory degree of industry, to purchase certain luxuries and indulgencies, as holidays, tobacco, the visit of a family or a friend. Col. Jebb assigns them a certain weekly gratuity, varying according to the class in which their good conduct places them, and accumulating as a fund to fit them out and provide for them on liberation. Mr. F. Hill would confine them 'till 'they are cured,' and hold out their release as a thing to be purchased by proved and *bonâ fide* reformation; while Capt. Maconochie would condemn them, not to a given number of months of prison, but to a given amount of industry to be performed by task-work — to earn (as he describes it) a given number of *marks*, which may be forfeited either by idleness or misconduct.*

Now it is obvious that all these various schemes differ only in

* Some advocate the plan, which was at one time carried out in Scotland, of allotting a certain proportion or amount of the convict's earnings to the public as an indemnity, and permitting everything above that sum to be appropriated to themselves or carried to their account.

their minute features. We believe they have all been tried, either wholly or in part, and with most encouraging success. All embody the same principle; all aim at the same object; and we neither feel called upon to pronounce among them, nor do we desire that any one for which our own judgment may feel a preference should on that account be stereotyped and enforced throughout the kingdom. We incline to think that in aiming at the introduction of uniformity into so many of our national arrangements and institutions, we fall into a mischievous and demonstrable error. It is well that we should agree upon sound general principles; it is not well that we should insist upon agreement in minute details and secondary plans. It is well that the aggregate wisdom of the most experienced men of the nation should guide and reign paramount over local ignorance and narrow prejudices as far as systems and objects are concerned; it is not well that a central authority should over-ride individual opinions or the private action of qualified and educated men on a question which is merely, 'What way shall be 'taken to an end to which many ways admittedly and equally 'lead?' A *principle* may be irrefragably sound, and ought to be supreme; a *plan* can scarcely ever be perfect; and the difference between two plans alike recommended by men who agree in principle, can seldom be more than that one has some advantages which are counterbalanced by corresponding, though perhaps inferior, advantages in the other. One plan will work best in one place, one in another; one plan will succeed in some hands, and fail in others. It is well that all should be tried by those whose favour will give them every chance of answering. It may turn out that none are so superior as to call for general enforcement; if so, they may run side by side with mutual benefit and in friendly concurrence; if not, the obviously superior will in time become the universal one. But for a government to adopt one plan, and by its authority to compel its adoption throughout the country is simply to disgust zeal, to discourage experiment, to paralyse improvement. The moment you stereotype a plan you enlist the whole fearful influence of official inertia to bear against new light and in defence of established error. On this account we recommend in the strongest manner that the mode in which the motive of hope shall be brought to bear on the reformation of imprisoned offenders, be left as much as possible, and within specified limits, to the governors of gaols, aided as they are by visiting justices and reporting inspectors. If the governor is not a suitable man for his post, let him be removed: you have no right, in such momentous cases, to trifle with incapacity. If he is, the chances are that he, or the visit-

ing magistrate under whom he acts and who specially devotes himself to this work, has a plan and mode of action of his own, which he can not only manage well because he likes it and understands it, but can also adapt and vary to suit individual cases — a pliancy not possessed by Acts of Parliament or Central Commissioners. He is carrying out your principle: be satisfied with that, and suffer him to carry it out in his own way. He is under the check of publicity; all his proceedings, his success or failure, are described by the inspector and known to the local visiting justices; and abuses like that at Birmingham are traceable, not to the authorities following their own plan, but to their flying in the face of established *principles;* and were, in that case, originally owing to the dismissal of a governor, whose offence was that he did what we are contending that he should have been permitted to do—namely, carry out the admitted object according to a system which experience had taught him to administer and to confide in.

The next point upon which no difference of opinion does or can exist, is the uselessness, and even the injurious effect, of short terms of imprisonment. Yet the practice of such short sentences, though universally condemned, is as universally pursued; — partly from old habit, partly from legal necessity, partly from unsettled and confused notions as to the principles on which, and the purposes for which, punishment should be inflicted. If there is one rule in criminal jurisprudence more certain and undisputed than another, it is, that short imprisonments should be confined not so much to slight offences as to *first* offences. There are, as we have already pointed out, a number of violations of law which are neither criminal nor immoral, but which must be stopped,—such as flying kites, obstructing footpaths, selling apples, or beating carpets at forbidden times and places, — trifling breaches of the peace, &c.: these, till ingenuity has discovered some other mode of repression, must, we suppose, be met by fines, or—in the case of those who cannot be fined—by a few days' confinement in strict, wearisome, and uncontaminating seclusion. These, however, are in no sense crimes, nor do their perpetrators belong to the criminal population; and we are therefore not concerned with them at present. But in the case of actual *offences*, whether of outrage or of theft, however small the amount of depredation, or however unaggravated its character, a short sentence should be inflicted only on the first conviction. For a first offence, the first trembling lapse into temptation, the first casual and transient frailty, the first timid step in the path of crime, a week's or a fortnight's separate confinement—with or without hard

labour, as the case may be—is probably the most appropriate punishment, and may suffice to deter from future transgressions.

But if it does not produce this effect, our course of dealing with the offender should be at once changed. If he comes before us again, he ceases to be a frail member of society, and becomes a guilty one; he steps from the class of casual into that of professional depredators; he belongs thenceforth to the criminal population; and our business with him is not simply to punish and deter, but to reform. If we then sentence him again only to a few weeks as before, we ensure (as all experience has shown) a perpetual recurrence of the offence; infliction ceases to deter; his guilt grows hardened by constant repetition; he is re-committed twice, thrice, five times, twenty times, fifty times; he becomes, in fact, a permanent customer, although, perhaps, never venturing upon any crime to which law or custom annex any severer penalty. It becomes, therefore, our clear duty to the community, as well as an act of justice and mercy to the offender himself, to take him in hand as soon as a second conviction has shown that he belongs to the 'criminal 'class,' and protect society against him in the only way in which, as all experience has proved, it can be protected—by reforming him, and incapacitating him till he is reformed. It is of no use to urge that his offence is so small, his theft so trifling, that a sentence of long detention would be disproportionately severe. That consideration is wholly beside the question; he has forfeited his citizenship, by abusing it; he has made war against society, and it is for society thenceforward to decide his fate; he has given society a right to protect itself against him in the manner it deems most effectual—the most effectual mode being also, as it happens, the most beneficial to the individual. We explained early in these remarks that we—fallible and blind—cannot and need not attempt to proportion punishment to guilt; what we can and must do is to proportion it to the end it is designed to attain—that end being the reformation of the criminal, either as an ultimate object (as some would plead) or for the security of society (as we are disposed to argue). As soon, therefore, as a man *becomes one of the criminal class*, it is our right and our duty to take possession of him, and subject him at once to such an amount, kind, and *duration* of penal discipline as shall most effectually secure his rescue and restoration. Without, therefore, going the full length of indorsing Mr. F. Hill's recommendation, that he should be sentenced to be confined till cured, we have no scruple in urging, in the strongest manner, that he shall be *sentenced to a far longer term of imprisonment than it is intended*

*to inflict*; in order both to allow ample powers to the prison authorities to retain the obdurate offender till it shall be safe and proper to discharge him, and to give ample scope to the operation of the salutary principle of *hope* on the mind of the prisoner, by letting him perceive that the duration of his punishment depends in a great measure upon himself. In a word, we would subject every *criminal*, properly so called, to the full influence of the reformatory discipline, which, as every one knows, requires a long period for its successful operation, and we would do this in such a manner as to impress indelibly on the prisoner's mind, first, that his only hope of restoration to freedom and society lies in a genuine and thorough reformation, and secondly, that this hope is not a chance only, but a certainty. Every offender then—of course we exclude more conventional offences—every *criminal* offender should, on his second conviction, be sentenced to *not less than twelve months' separate confinement*—that term to be shortened at the pleasure of Her Majesty, on its being certified by the authorities that the sentence had done its work. By rigidly following out this plan we should, in a short time, have subjected the entire (detected) criminal population of the country to such reformatory influences as have been proved most effectual, and for such a length of time as has generally been found sufficient.

The next point which we are anxious to recommend,—the extension, namely, of the arrangements now adopted in the case of 'convicts' for following up a term of separate confinement by a term of associated labour under close surveillance, so as to admit of the application of this system to *all* criminals,—is one which is not, like separation, quite a settled point, but a disputable, or at least a disputed one. *Adhuc sub judice lis est.* On the one hand, Mr. Burt, the Assistant Chaplain at Pentonville, both in his evidence before a Committee of the House of Commons, and in his work on 'Separate Confinement,' condemns the system in the strongest terms. He argues, that first to subject a criminal to the most careful seclusion from his old associates as the most indispensable condition towards his reformation, and then, as soon as this seclusion has begun to produce the desired effect, to restore him to their contaminating company, is a marvellous and flagrant inconsistency. He maintains that not only must this second step in reformatory discipline undo all the good slowly and painfully effected by the first, but that the mere anticipation of it goes far to hinder the previous separation from exercising its proper influence; and he declares that criminals who have been subjected to a long period of separate confinement, and then transferred straight to the colonies, are

likely, and have been proved, to turn out better than those who, after a more limited stay at Pentonville or Millbank, have passed though the intermediate stages of regulated association on the public works at Portland. He entirely denies that even a protracted term of seclusion, under fitting regulations, has any weakening, depressing, or otherwise injurious effect, either on the physical, mental, or moral health of the convicts, and that it does not unfit them, when liberated, either for resisting average temptation, or for making their way by independent exertions in a new world, and under reasonably favourable circumstances; and it must be confessed that he supports his opinion with considerable plausibility. On the other hand, it was the clear conviction of Sir George Grey, Lord Grey, Capt. Maconochie, Colonel Jebb, and others, who contrived the system actually in force, that to launch a reformed criminal from a state of total isolation in which every action was regulated and restrained *ab extra*, into the position of virtually complete liberty and unrestricted companionship which a ticket-of-leave man attains, with no intermediate stage of preparatory discipline and comparative freedom, was to expose his regeneration to a test needlessly and indefensibly severe. It is given in evidence by Captain Whitty and the Rev. J. Moran (the superintendents of the intermediate stage of 'labour in association' at Portland), that the prisoners consigned to their charge from the separate prisons generally, nearly always indeed, keep up the character which they bring with them, and even sometimes improve upon it; that punishments and remands are extremely rare; that the vast majority of the prisoners entitle themselves by good conduct to a mitigation of their sentence; and that, as a rule, they decidedly gain ground after their arrival, — *i. e.*, after their transfer from the first to the second stage of penal discipline,—in cheerfulness, in health, and in vigour. It is stated also, on no mean authority, that the frequent effect of the separate system was so to *soften* the minds of many of those subjected to it, as to render some amount of association *indispensable* before they could be trusted by themselves; and finally, the Committee of the House of Commons, which reported in 1850, after hearing and weighing all the conflicting testimony, deliberately and *unanimously* came to the conclusion, that as a general rule,—

> 'After prisoners under long sentences have undergone a period of separate confinement, the remainder of their sentences ought to be passed under a system of combined labour, with effectual precautions against intercourse.'

In our judgment the decided preponderance both of reasoning and evidence lies on the side of the system now in force in

convict prisons; but, as we observed a few pages ago, since there is certainly some ground for difference of opinion, and since much may be urged in favour of both arrangements, why enforce either as a *universal* rule? Why not try both cautiously and within limits? Why not allow a certain latitude of discretion to those entrusted with the administration of the law, and in whom so much discretion must be unavoidably assumed? Why not authorise a longer period of separate confinement to be substituted for transfer to the public works, in the case of those convicts for whom, in the judgment of the Governor, such modification may seem desirable, or who, by preferring it themselves, intimate their fear of the contaminating or retro-active influence of renewed association with former fellow-offenders? We cannot attach any weight to an objection we have heard urged on the score that by vesting this decision in the governor you are bestowing upon him too great and too unconstitutional a power. It must be remembered that you already do and must entrust him with power exactly analogous and still greater, —inasmuch as upon his decision, or rather upon his report as to the behaviour of each individual prisoner, depends the question whether such prisoner shall fulfil his whole term of ten years or of five, or shall be eligible for liberation on leave at the expiration of half that period. A vast and anomalous amount of discretion *must*, by the very nature of the case, be vested in the prison authorities: a cogent argument, unquestionably, for selecting them with the utmost care, for supervising them with the most unremitting vigilance, for remunerating them with ample liberality, for removing them promptly in case of incapacity, failure, or misconduct, and for assigning them a high place among administrators; but none, assuredly, for hampering that discretion with provisoes and restrictions which can only serve to impair its beneficent and efficacious action. Lastly, it is to be remembered that the formal and ultimate power in all these cases rests with the Secretary of State, though no doubt virtually and in practice it will lie with the governor, on whose report and recommendation it will alone be exercised. The system we should advocate in this and all similar cases is, to confide the amplest discretionary power to the prison authorities, and to guard against its abuse by the fullest publicity as to its exercise.

It being decided, then, that separate imprisonment for small and first offences, and separate imprisonment followed (in most cases) by associated labour, for subsequent and serious crimes, constitute the system of secondary punishments best adapted for the security of society, the repression of crime, and the

reformation of the criminal, we have next to inquire what are the means actually existing for carrying out this system, and how any deficiency in these means may most fitly be supplied. And here, unfortunately, our statistics fail us. We have no accurate or complete returns of the amount of prison accommodation on the separate system existing in the Kingdom: we know the state of the case as far as it regards government or convict prisons, but not as it relates to county and borough gaols, which are provided by, and under the management of, the local authorities. With regard to the former, we can give a pretty satisfactory account. In England and Wales at least, if there is not at this moment ample accommodation for the separate confinement of every convict, and for his subsequent employment in combination with others, arrangements are in rapid progress by which this accommodation will be provided. Independent of Parkhurst (where only juvenile convicts are sent, for whom separate confinement as a universal system has been found undesirable, and which had in 1852, 625 inmates), the Government has provided 2659* cells for male prisoners to undergo the first portion of their sentence in.† From these prisons they are transferred, when their term for associated labour begins, to Portland, Portsmouth, or Dartmoor, in this country, or to Gibraltar and Bermuda abroad. The hulks, which formerly received the convicts employed at Woolwich and Portsmouth, and in which proper separation was found im-

* This includes 180 in Perth gaol for Scotch prisoners.

† *Convict Prisons for Separate Confinement* (1853) (for males):—

| | Prisoners. | |
|---|---|---|
| Millbank contains accommodation for | 1,100 | |
| Pentonville | 561 | |
| Cells rented in various county or borough prisons | 998 | |
| | | 2,659 |
| Parkhurst (for juveniles) | | 625 |
| *Prisons and Hulks for Associated Labour*:— | | |
| Portland | 1,070 | |
| Portsmouth | 1,020 | |
| Dartmoor | 1,276 | |
| Hulks (still) including invalids | 1,380 | |
| | | 4,746 |
| Gibraltar | 600 | |
| Bermuda | 1,700 | |
| Western Australia | 550 | |
| | | 2,850 |

In Ireland there are 5,246 convicts, male and female.

practicable, have been condemned, and are to be forthwith superseded by regular prisons; the Portsmouth one is already completed and in use. One hulk will be for a time retained as an invalid depôt. In a short time, therefore, we may consider that arrangements will be completed in Great Britain (and in progress in Ireland) for carrying out perfectly and systematically the plan of secondary punishment which the Government has deliberately adopted, so far as regards the convicts under its immediate control.

But the case is very different when we come to the case of those far more numerous culprits who are committed to county and borough prisons for various terms of imprisonment—for milder sentences, that is, than transportation. The number of separate cells required for these prisoners we have no statistics to inform us. We know merely that whereas in 1853, in England and Wales, 2266 were sentenced to transportation (or penal servitude), 18,130 were sentenced to various terms of imprisonment at the sessions and assizes, and a far larger number, probably five times as many, on summary conviction. For *all these*, separate cells ought to be prepared, whether their term be long or short. If we assume that, independent of 'convicts,' 120,000 are annually imprisoned, and that the average duration of their sentences be three months*, it is obvious that 30,000 separate cells should be provided as a *minimum*, in the various gaols in the Kingdom. We say 'as a minimum,' because it is obvious that in order to carry out the system effectually, every prison ought to have cells to accommodate, not its average, but its *maximum*, number of inmates; if it have not, the system is broken down whenever from any cause an unusual influx of prisoners arises, and the benefit arising from it is, *pro tanto*, destroyed. Great injury and bitter disappointment have often arisen from this cause; a plan is adopted, skilfully and successfully carried out, and then abandoned on the first pressure—and abandoned necessarily, as long as this wretched economy is suffered to reign paramount—for offenders, if sent to prison, must be received whether there be accommodation for them or not. Every local prison should, therefore, be held responsible for providing as many separate cells as the maximum of offenders it is ever liable to receive, or to make arrangements with neighbouring prisons (which might easily be done) for receiving its overflow, at a fixed price per head. Probably, as the number of offenders fluctuates considerably, 40,000 separate cells would

* The actual average is said to be six weeks, but we have seen that longer terms ought to be introduced.

at first be required in order to secure the system against violation at any time or under any circumstances.*

Of the number which exist we have no even approximately accurate return. All the information we have been able to obtain is comprised in the Report on Prison Discipline, often referred to, at pp. 4. 12. 86. 708. It appears that many prisons have been altered or enlarged in order to facilitate the adoption of the separate system; but in 1850, according to Colonel Jebb (inclusive of those in process of erection, and exclusive of the Government prisons), there was only separate accommodation for about 9000 prisoners, or less than one-fourth of the number required.† The first step to be taken, therefore, clearly is *to pass an Act empowering the Secretary for the Home Department* — or the Minister of Justice, when such a department shall be created — *to call upon the local authorities to provide, as speedily as may be, for supplying whatever deficiency may, in each borough or county, be found to exist.* Into the special arrangements by which this Act should be enforced, or the best mode of providing the additional accommodation needed, we shall not attempt to enter here: the safest and wisest principle to follow in all such cases is, in our judgment, for the central authority to confine itself as

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* Perhaps, however, we should make a deduction of one-tenth from this number in consideration of the juvenile offenders, whom, we all along assume, are to be otherwise disposed of.

† Strangely enough, the Reports of the Inspectors of Prisons in England and Wales contain no statement of the aggregate amount of *separate* accommodation, nor can we learn that there exist any means of ascertaining this important fact. For Scotland and Ireland we are better provided. In Ireland, in 1853, the daily average number in prison was 6841 (a great reduction on previous years), and the number of 'single cells' was 4762. The highest number in prison at one time was 9466. If these 'single cells' were of a nature to admit of really carrying out the separate system, Ireland therefore provided properly for about half its prison population. In Scotland, the number in confinement on the 1st of July, 1852, was 3090 (the greatest number at one time was 3969), the number of cells (exclusive of mere day-rooms) was 2985. We cannot, however, say with certainty whether the separate system is observed, or provided for, in all these cases. We fear not. (See Fifteenth Report of General Board of Directors for Scotland, and Thirty-second Report of Inspector-General for Ireland.) The only 'convict,' or *Government* prison in Ireland, where the separate system is carried out, is Mountjoy; and it appears that even there the plan has been unfortunately relaxed, and with most injurious effects. But Mountjoy accommodates only about 500, and the number of Irish convicts for whom accommodation is required is 5250.

much as possible to stating the desideratum, and requiring the municipality to supply it, — leaving the choice of the particular steps to be taken to those in whose province the duty of taking them lies. We will venture only on two remarks. Since the object we have in view in enforcing separate confinement and longer terms of imprisonment, is the diminution of crime by the rescue of the offender from his old associates and his criminal career, it is evident that in proportion as that object is attained, will the amount of prison accommodation required be reduced. We have to make provision for the number of criminals *now existing;* if our plan succeeds, that number will be greatly diminished, and the provision now made will become vastly over-ample. It is in order to bring about a reduction of prisons ultimately, that we have so greatly to augment them in the first instance: the augmented accommodation needed will, therefore, be only temporary; prudence, in consequence, dictates that the provision made should, if possible, be as temporary as the call for it. Now massive stone prisons are not only costly, but if specially prepared with a view to the separate system of confinement, can scarcely be afterwards made suitable for any other purpose. But here a proposal of Colonel Jebb's suggests a way out of the difficulty. He conceives it both possible and advisable to construct 'moveable prisons,' adapted to the separate system, which might not only be constructed at a much smaller cost than that usually incurred*, but might, after a few years, when they had effected their object in one locality, be without difficulty transferred to another. We shall see shortly that this plan may be made available for supplying more than one want, and helping us out of more than one difficulty.

But when, by this means or by any other, provision has been made for the effective and universal separation of prisoners in all prisons as well as in those under Government management, we shall still need arrangements for the disposal of those offenders (*not* condemned to transportation, and therefore not sent to 'convict' establishments) whose sentence includes associated labour after imprisonment. We shall require for them places of penal employment corresponding to Portland and Dartmoor. Now it is not contemplated, and would not be desirable, to make such associated labour a portion of the shorter sentences of imprisonment: those would be more profitably passed entirely in seclusion. The number of those now sentenced (both at session and assize, and by summary conviction) to terms of imprisonment exceeding six months, are about 7000;

* The best have cost from 120*l.* to 200*l.* per cell.

exceeding one year, about 2300.* Probably the latter class would be the only one for whom we should have to provide associated labour. But, on the other hand, we must bear in mind that a part, and a most essential part, of our plan of reformatory discipline, is greatly to lengthen the term of imprisonment of regular offenders — to subject, indeed, all criminals, after their *second* conviction, to a comparatively protracted period of durance. We cannot, therefore, suppose that, to carry out the system effectually, we ought to provide arrangements for the combined labour of less than 5000 prisoners annually, or for a less period than two years.† The Committee of the House of Commons, to whose valuable labours we have so often had to refer, after recommending that in the case of long sentences such a period of associated labour should follow a period of separate confinement, resolved that it was desirable, with a view to this object, to erect, at the national cost, and to place under Government control, 'District Prisons,' specially constructed for and devoted to the reception of prisoners who were undergoing this second stage of their punishment.

Adhering to the resolution we have all along maintained, of avoiding to embarrass our argument or weary our readers with matters of detail, we shall not enter into any discussion as to the most desirable character or the most fitting locality for these District Labour Prisons. It may be, as many imagine, that public works would afford the only occupation in which their inmates could be usefully employed. It may be, as Colonel Jebb believes, and as Dartmoor seems to show, that in certain localities agricultural labour may be practicably and profitably combined with probationary discipline and strict superintendence. It may be, as Mr. C. Pearson enthusiastically insists and courageously offers to demonstrate‡, that agricultural labour is the special if not the sole kind of work fitted to penal establishments, and that all prisons ought to be made industrial, rustic,

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* These are Mr. Pearson's figures as given before a Committee of the House of Commons in 1850, but we cannot vouch for them. Some of them do not agree with the criminal returns issued by the Home Office, where a comparison can be instituted.

† This is a very much larger estimate than Colonel Jebb's (see Fifth Report, p. 63.), but the difference arises from Colonel Jebb leaving out of consideration the offenders sentenced by 'summary conviction,' and making no allowance for the lengthened terms of imprisonment we suggest.

‡ See Mr. P.'s elaborate document and calculation laid before the Committee of the House of Commons in 1850.

and self-supporting.* These are questions for administrators, not for legislators; they merely affect the best mode of doing that which we are all agreed is to be done; the actual management and carrying into effect of our design may most prudently be left to professional sagacity, trained as it will be by the lessons of experiment and observation. We only wish to point out that if Colonel Jebb is correct, as we have no doubt he is, in his confidence as to the practicability of 'moveable prisons,' these will prove especially applicable to the present object. Wherever in any part of the Kingdom there are public works to be executed — whether roads, harbours of refuge, fortifications, sanitary constructions, or redemption of waste or unwholesome land—one of these moveable gaols, 'capable of holding from 500 to 800 men,' may be erected, and, as soon as the work in hand is completed, may be marched off to renew its usefulness in some other quarter.

But when we have done all these things—when we have provided separate cells for receiving all offenders, and for retaining them as long as we deem necessary for the object we have in view—when we have made arrangements for a subsequent period of probationary labour for the more serious offenders; when we have assigned our juvenile delinquents to an entirely different sort of establishments, and have thus materially facilitated the problem we have practically to solve; when, by lengthening the sentences of imprisonment, we have allowed time for the reformatory operation of prison discipline on all who come under our hands; and when, by these various and combined measures, we may hope that we have, as a general rule, effected the rescue of the offender from his previous course and his contaminating associates, and prepared him for a new life, the question once again recurs: 'What are we to do to him when the period of 'his release arrives, when he has expiated his crime, when se-'clusion and renovating influences have done their work upon 'him, and he has again to issue forth upon the world? In what 'way are we to guard him against relapse, to launch him in an 'honest and hopeful career, *to rescue and protect him*, in a word, '*from his own antecedents?*' We have to answer this question, it must be remembered, not only with reference to 'convicts,' but to *all* liberated prisoners — not only to those whom we take upon ourselves to release before the expiration of their full sentence, but to those who have fulfilled their entire term, and earned their own emancipation. We need not separate their

* The *vexata quæstio* of whether prisons should be self-supporting, we purposely postpone to subsequent consideration.

cases: one answer will suffice for all. Western Australia answers, at the outside, for only 1000 annually of the number; the rest we must dispose of otherwise, — and dispose of them in such a manner that prison, having once got rid of them, is rid of them for ever.

1. There can, and does, we believe, exist no doubt in the minds of any one practically conversant with the subject, that, whether for reformed convicts after liberation, or for criminals who have sincerely and voluntarily abandoned their evil courses, *emigration to distant shores should be the rule and not the exception.* We need waste no time in proving so obvious a proposition. Not only do the Colonies and the United States offer facilities for earning a living which do not exist in the old country; not only are comparatively feebler energies in some respects required for success there; not only does the readier and brisker demand for labour prevent the close inquiry into the labourer's antecedents which is so often fatal to the prospects of the repentant sinner here; not only is any one willing and able to work certain of obtaining an adequate and comfortable subsistence; but new scenes and circumstances are peculiarly suited to foster and fortify new-born virtue; new associates and new surroundings lead to new thoughts and sanguine aspirations; the temptations which beset the restored outlaw are fewer and feebler; and, in a word, it is incalculably easier to begin an altered life where every thing in nature and social relations is fresh and different, — where new faces, new employments, new interests, combine to throw the past into a dream-like and hazy distance,—than where even the very air we breathe, the streets we tread, the voices we hear, are rife with a thousand associations of a career of error and of degradation. It is true, as the old poet says, that crossing the ocean changes the sky and not the soul; but it is only by crossing the ocean that the companions and accomplices of our criminal days can be effectually escaped; and this escape is a *sine quâ non* of enduring reformation.

But we have already been obliged to conclude that, after what has passed, the Home Government cannot, with perfect good faith, send released prisoners to the Colonies, however satisfied it may be as to the thoroughness and sincerity of their reformation. Nor can the Emigration Commissioners charged with the administration of the Colonial Land Fund, appropriated for the purpose, conformably to their duty and their instructions, knowingly select for free passages any who have once become amenable to the laws of their country. The amount of perfectly voluntary and independent emigration is however very great, even to Australia, and enormous to North America; and the

liberated offender, when once his term of imprisonment is over, is a free citizen again, and may mingle with this stream at pleasure, without any question as to his antecedents. No man has a right to say him Nay; no man has a right to ask him — Whence comest thou, or whither goest thou? He is to the emigration agent who gives him the requisite information and guards him against being fleeced or duped, to the captain to whom he pays his passage money, to the employer who engages him on landing, a simple labourer or artisan, going out to seek his fortune in a country where such as he are greatly needed and readily welcomed, and where far worse than he (and far more unfortunate, inasmuch as they have never undergone the reforming discipline which has made a new man of him) are daily received without hesitation or misgiving. Now, under the system we have recommended, and the adoption of which we are assuming, a very large proportion of the reformed offenders will, on their liberation, find themselves in possession of a sum of money amply sufficient to transport them to Canada or New York, and in many cases enough to pay their passage to Australia. Even now under the system of weekly gratuities for good conduct when in confinement, we have seen that numbers on liberation (as ticket-of-leave men), are entitled to sums varying from 5*l.* to 17*l.* Under the analogous, but as we think, preferable, plan of assigning to them a certain percentage of their earnings while under discipline, these amounts might be considerably enhanced; and when that prolongation of their terms of imprisonment which we have shown to be an essential condition of success is superadded, we may safely assume that few of that 'criminal class' who have been fairly *taken in hand* for cure, will be discharged without funds being due to them adequate to provide for their outfit and voyage to one or other of our many lands of promise. From the 12th General Report of the Colonial Land and Emigration Commissioners (that for the five years ending 1851), we find that the average entire cost of conveying adults to Australia was about 15*l.*, and to the Cape, 12*l.*; while 238,000 steerage passengers were conveyed from Ireland to America, either direct or by way of Liverpool, for a sum, including provisions, of 893,000*l.*, or about 3*l.* 15*s.* a head.*

We recommend, therefore, as the first method of disposing of liberated prisoners, that they should be encouraged and advised

* We might even, if need were, prolong the term of imprisonment *till* criminals had earned enough to emigrate: it might be a condition of their sentence.

in the strongest manner to employ the sum due to them in emigrating from this country; that they should be induced to decide, before leaving the prison, to what colony or foreign land they will proceed; that the chaplain should then, simply in his capacity of private friend, give them the needful information as to the mode of proceeding both in finding their way to the port of embarkation and in disposing of themselves on landing at their destination; and secure their passage for them, and release them as short a time as possible before the sailing of their vessel. In all this there will be no violation of implied conventions, no illicit or indefensible Government agency; nothing will be done for the freed citizen which is not or ought not to be done for the citizen who has always been free; since authorised parties are already established at the principal ports for instructing and protecting emigrants whose ignorance and inexperience might else entail their ruin; and these parties have, we believe, authorised correspondents (in some of the Colonies at least, if not in New York also) to whom emigrants on landing can apply for information and assistance. When a free and honest labourer wishes to emigrate, and is able to do so by his own means, he naturally and habitually applies to the clergyman of his parish to 'put him in the way,' and yield him that kindly aid in the transaction of business which the poor so preeminently need. The chaplain is the clergyman of the liberated prisoner, who stands to him in the relation of parishioner, and whom, therefore, he is not only entitled, but bound, to aid in his judicious efforts to enter on a new career. Were there in every colonial port, as there are here and there, and as there ought universally to be, emigration agents established, authorised, and ordered to assist and advise the new comers, to point out where labour was most in demand, and what dangers were especially to be guarded against, and to do this for all indiscriminately, the liberated reformee might stand just as good a chance as any other emigrant of prospering in his new home. Some, probably, who had earned most, would go to Moreton Bay, where the settlers are eager even for avowed convicts and ticket-of-leave-men. Many more, attracted by the shorter voyage and the cheaper terms, would sail for Halifax or New York; and if our system were not a sad failure, and if the prison authorities had proved competent to their duty, it is difficult to believe that the released prisoners who found their way thither would not, on the average, be more valuable and more welcome visitors than the shoals of unkempt and undisciplined Irish who are annually turned out upon those shores.

2. The next desideratum is the encouragement and multipli-

cation of establishments where released offenders may be received for a while between leaving the place of punishment and re-entering the world,—a sort of intermediary refuges, where they may pass a period of voluntary probation, and whence they may more easily be drafted off one by one into various channels of industry either in this country or abroad. Many will receive labourers from establishments of this sort, who would object to receiving them direct from the gates of the gaol or the penitentiary. The managers, too, of these establishments can, by individual effort and application, facilitate the gradual absorption of their inmates into the mass of the community, in a way that governors and chaplains and other public authorities could not do either so easily or so well, or without in some measure overstepping the proper functions of Government. They can furnish them with employment which will go far in enabling them to support themselves for a time, till openings occur, and they can watch for and make these openings. We should wish, if it were possible, that all liberated offenders who are unable to emigrate by their own unassisted means, should have recourse to establishments of this sort in the first instance.

There are many reasons, we think, why these places of refuge should be left to voluntary zeal and spontaneous charity, in place of being founded or managed by the Government. In the first place it may well be questioned whether such systematic aids to success in life lie within the province of Government; the matter may perhaps bear controversy; but we prefer to concede it rather than discuss it. In the second place, voluntary societies for facilitating the restoration of reformed offenders to the world can act more freely than national authorities could do. Their hands are tied by no promises explicit or implied. They are free to do what they think right and wise. They may choose their own objects of charity, and have as much right to pay the outfit and passage money of a penitent prisoner as of an indigent artisan. They are just as much at liberty to procure engagements for their *protégés* in Canada, or at Victoria as in London or Glasgow. The funds which are entrusted to them for a special purpose of charity they may expend according to their own unfettered discretion in any manner best fitted to promote that purpose. They are of course bound in conscience and in justice not to send out to a colony, a man whom they suppose likely to be a curse or a mischief to that colony,—just as they are bound not to recommend for employment to a friend or correspondent, a man whom they know to be unworthy of trust; — but with this limitation, they may with perfect propriety expend the great proportion of their incomes in aiding

emigration on an extensive scale and under judicious arrangements; and we believe they will act righteously and wisely in so doing. This, however, as we have seen, Government could not do. In the third place, works of this kind, which require peculiar tact, delicacy, and discretion, are best left to those who have a special gift, a singular and native aptitude, for such affairs; who can so obtain the confidence and estimate the characters of the individuals with whom they have to deal, as to discover the best mode of disposing of them, the place to which to send them, the sort of master with whom to place them, the particular temptations from which to shield them. Now these benevolent administrators, thus specially qualified for their task, generally find it out and embrace it by a kind of 'elective affinity;'—Government cannot make them, and can rarely discover or select them; it may aid their efforts, sanction their proceedings, confirm their appointment; it cannot by inquiry, or advertisement, or competition, draw them from their obscurity, or test their fitness, or train them for the office. It will be found, we believe, invariably that all the successful establishments of the nature alluded to, have been founded and are conducted by men of this special aptitude; and that whenever Government adopts and takes possession of such men, it almost always spoils them by thwarting and controlling their free discretion, and injures their efficiency, and limits their success, by subjecting them (unavoidably almost) to the formality of rigid rule.

Some few of such establishments exist; or rather it would be more accurate to say that some peculiarly gifted individuals have devoted themselves to this specific form of doing good, and have shown, by their singular success, by the amount of service they have rendered, by the number whom they have set up in an honest and prosperous way of life, that the only things wanting to the full attainment of our end, are a greater number of such 'skilled labourers,' and more ample pecuniary means at the disposal of those we have. The first desideratum we cannot supply as fast or as completely as we could wish: the second we can. We cannot make, nor often enough find, the men we want: but we can at least take care that, when they they are found, their efforts shall not be crippled, nor their establishments allowed to languish for lack of those funds which are bestowed with such a lavish hand on charities immeasurably more questionable.

First among these invaluable benefactors of the prison populations, and through those of society at large, we must name Mr. Wright of Salford. Dependent himself on a humble voca-

tion for support, he has for upwards of fifteen years employed his evenings and Sundays — in fact all his leisure — in visiting prisoners in gaol, conversing with them on the causes of their fall, investigating their characters, infusing into them whatever moral and religious influences he finds them willing to imbibe, and finding places for them when discharged. For those whom he finds desirous of re-entering an honest course (the great majority he says), he endeavours to procure occupation by personal application to employers, giving them shelter and support in the meantime as far as his scanty means allow him. Some he has placed in juvenile refuges, as at Redhill; others he has persuaded their old masters to take back; others he has got into factories; others into domestic service; for some he obtained employment only by becoming surety for their good conduct. In this way he has provided for upwards of 150; and of these only nine have turned out ill. So much may be done by the unassisted efforts of a single man — and he a poor and a busy man. Recently, we rejoice to find that a subscription set on foot by a few benevolent friends who had watched and sympathised in his labour, has enabled him to devote his whole time and strength to his good work; while the degree of publicity which has been given to his success has naturally extended his influence and means of usefulness. Such a visitor, as well qualified by mingled zeal and discretion, in every prison in the Kingdom (and surely England could furnish that number), and aided by the succour and subscriptions of the charitable in the neighbourhood, might almost suffice to attain in its completeness the object we are now considering.

In 1848, the visiting justices of the Durham gaol, aided by some friends aware of the importance of the object, established 'the Durham Refuge for Discharged Prisoners,' and placed it under the superintendence of the able and judicious chaplain, the Rev. Hans Hamilton. Its funds were scanty, never reaching 100*l.* a year; but in the course of six years, it has succeeded in restoring to respectable relations, or placing in honest situations, no less than 1093 prisoners, some adults, but mostly women and boys. Of these thirty-nine have been re-committed, and fifty-one have otherwise failed to conduct themselves satisfactorily. The remainder, or *eleven-twelfths* of the entire number, have continued to behave well, and may in fact be considered as restored to society and redeemed from evil courses. This result has been effected at the trifling cost of 391*l.*,—a signal proof how much may be done with very limited means, provided the plan be judicious and the agents well chosen.

But perhaps the Reformatory in Great Smith Street, West-

minister, is the most encouraging instance of what may be done by special aptitude and zeal combined. Mr. Nash, its founder and manager, was originally a Ragged-school teacher. While engaged in this occupation his attention was forcibly directed to the fact that, of the number of young thieves and vagabonds with whom he was brought into contact, a considerable number really wished to reform, and a still larger number continued in their disreputable courses only because no others were open to them. He determined to try to secure some of these unfortunates, and selected six for his first experiment. He hired a room in 1848, for two shillings a-week, wherein he and his *protégés* lived. He shared everything with them, for in fact he was nearly as poor as themselves, and had more than once to pawn his own clothes in order to be able to continue his benevolent exertions. He taught them habits of industry, and infused into them not only an ardent attachment to himself and earnest wish to gratify him, but a sincere aspiration after better things. He exercised, and could exercise, no coercion. They were free to go whenever they felt the regularity, frugality, and diligence of their new life irksome; but few ever did go. He in time found places for his first inmates, or, through the assistance of benevolent friends, enabled them to emigrate. He soon enlarged his establishment and increased his numbers, taking first a larger room, then two rooms, then a whole house, till the undertaking became what it now is. He has also somewhat changed his plan. He now receives only adults: any criminal, whether coming from gaol or free and prosperous, who desires to abandon his vicious courses, is received, and subjected to a fortnight's probation of entire solitude and bread and water. If he is able to undergo this severe test, it is considered that he has given proof of a sincere desire to reform, and is admitted as a regular inmate of the establishment, lives with the rest in a homely, scanty, but clean and comfortable way, and is set to work at shoe-making, tailoring, carpentering, printing, or some other occupation. If he knows no trade, he learns one. Mr. Nash endeavours to retain them for twelve months if he can; never, we believe, longer. When fitted for standing by themselves, he finds places for them in this country, or assists them to emigrate. One of the most remarkable features of the whole system is that no punishment, and scarcely any control, is required. All wish to reform: all, therefore, join in discouraging and putting down anything in language or conduct inconsistent with reformation. The refractory or disorderly are simply desired to leave the establishment, or go back to probation, or solitude and bread and water; and order and propriety are

maintained by this measure alone. Of nearly three hundred who have been received in five years, only twenty-nine have been dismissed. Most of the inmates have been admitted on their own voluntary application: several have been recommended to Mr. Nash by the chaplains of prisons where they had been confined.

The results of this great experiment have been satisfactory to a degree which is quite wonderful. Scarcely any of the rescued have relapsed. The statistics up to 1853 were as follows:—

| | |
|---|---|
| Sent out as emigrants - - - | 122 |
| Sent to situations in this country - - | 40 |
| Restored to friends - - - - | 18 |
| Enlisted as soldiers - - - - | 19 |
| Gone to sea - - - - - | 2 |
| Dead - - - - - - | 1 |
| Sent to juvenile institutions - - - | 55 |
| | 257 |

The establishment is now in the hands of a committee with Lord Shaftesbury at its head; and will, we hope, continue to enlarge its sphere of usefulness. It appears to us a pattern of its kind, and worthy of all support. Its funds, however, though increasing, are still quite inadequate to the demands upon them. The Reformatory contains at present about one hundred inmates; and on an average *seventy applications for admission have to be refused every week.* One memorable instance of refusal cannot fail to produce a deep impression. Levi Harwood, who was executed in 1851 for the burglary and ensuing murder at Frimley, had applied repeatedly for admission, but the place was full, and he was unavoidably rejected. The means of refuge and rescue thus denied him, he was compelled to fall back upon his bad associates, who engaged him in the crime by which he forfeited his life. These two facts are worth whole volumes of argument or appeal. Seventy criminals per week in the Metropolis alone, endeavouring to escape from their evil courses through the only channel open to them, and unable to do so, because that channel was too narrow to admit them! It is notoriously difficult to do good: the most charitable are perpetually harassed by doubt whether they are really doing good or harm, — perpetually mortified to find that in spite of all their efforts and precautions they have been baffled and deceived, and that their money has been worse than thrown away. But here is an opportunity of conferring certain and great blessing; here is an establishment which we know does and can work only good—good as unmixed as anything can be in this world—good incalculable in

amount both to society and to the individual; and yet it languishes for want of funds! *

Reformers and Reformatories of this character are not only deserving of the most liberal aid which private benevolence can render them, but also, we are deliberately of opinion, of large subsidies from the State.† Their number should be not three, but three hundred: their incomes should be reckoned not by hundreds, but by hundreds of thousands. We can discern no sound principle which commands the withholding of State assistance in such cases, and we see many which suggest the granting it. We can well understand that, as a rule, the Treasury may very fitly object to placing public money at the disposal of unrecognised associations for benevolent purposes; but to refuse indiscriminately is surely as unwise as to grant indiscriminately, and savours of the mere unpliant pedantry of economic science, which cannot relax or suspend its own rules even in favour of its own principles. It is admitted on all hands that

* The Government itself might become an extensive employer of liberated prisoners, by receiving them both from these places of refuge, and also direct from gaol. We do not, of course, mean that it should undertake public works, otherwise unnecessary, for the express purpose of providing occupation for those who cannot obtain it at the hands of private individuals, still less that it should accept the services of these expirees, in preference to those of labourers or artisans of reputation and respectability. But, considering the importance to the community of consolidating and rendering permanent the reformation of these unfortunate members of it,—considering that they have become its peculiar charge, and that it can scarcely, with safety or a clear conscience, completely 'wash its hands of them' till they are *established* in honest industry,—considering, also, that the parties from whom they will come recommended to it for employment are its own servants, and that it will have means of *surveillance* and control over them beyond those which individual employers could exercise,—it is not, perhaps, too much to expect that it should aid zealously and cheerfully in *the completion of its own work* by receiving into its service—as far as its undertakings allow—those whom chaplains of gaols and managers of reformatories find difficulty in otherwise placing out, and that, where ordinary masters would require an entirely good character and honest antecedents, Government should be satisfied with a certificate of good behaviour during the whole period of imprisonment of penal labour, and of such proofs of a desire to lead an amended life as the nature of the case permits.

† The three we have mentioned are, so far as we have been able to discover, the only establishments existing for the reception of adult criminals who desire to forsake their evil courses. For juveniles there are many such refuges: of them we shall speak in a subsequent article.

in no way can the funds of the country be more beneficially spent than in reducing the criminal classes which prey upon the resources and destroy the morality of the country. It is admitted on all hands that these classes can only and can best be reduced by reforming those members of it who fall under State surveillance; and that this reformation, for which the State already expends so much, must be transient and unreliable unless some mode be discovered of providing for reformers on their release from durance. Well! we find certain individuals, with rare and peculiar endowments, who have discovered this mode, who have contrived this grand desideratum, and whose success is a matter of experience and notoriety; and we are told that the State must not aid those who have thus solved the State's most menacing and perplexing problem, because forsooth, though they do its work, they do not wear its livery! We are to refuse to do a manifest and stupendous good, lest bad logicians should draw it into a precedent for possible evil. Here is a work which imperatively *wants doing;* which the safety and welfare of the country requires should be done; which, as we have seen, the State cannot itself do as effectually or as freely as individuals and voluntary associations; which hitherto circumstances have baffled us in our attempt to do:—we find ready to our hands—what we could never make—men who do this one thing which, at the hazard of our peace, we must get done, and who do it with singular ability and success; and then we are informed that a correct theory of the functions of government forbids our rulers to delegate their duties—to empower and assist others to do what *they* ought to do but cannot do; or cannot do so well. There must be some great flaw, some unsound rigidity, in a theory which involves such a practical *reductio ad absurdum.*

But in recommending (which we do most strongly) the extension of Government aid to those reformatories whose success has proved the soundness of the plan on which they are conducted, we are borne out by that without which nothing can be done in England — a precedent. Some hundred thousand pounds are annually voted in Parliament and expended by the Privy Council in aid of schools established and conducted by private individuals or voluntary societies, and with which the Government has nothing to do except to ascertain, through its inspectors, that they deserve its assistance, admit its vigilance, and are willing to conform to its requirements. *Extend the same principle to reformatories and refugees for criminals, whether adult or juvenile;* give every encouragement to their establishment by those whose zeal or talent takes that benefi-

cent direction; succour them in proportion to their usefulness; ascertain by inspection that the principles on which they are based are sound and consonant to the suggestions of experience; keep a vigilant eye upon their action to see that they neither admit abuses nor fall into inefficiency; and then subsidise them either by a liberal donation—annually given, and therefore at any time liable to be withdrawn, or by paying a certain sum per head for all inmates. It has not been found that Government assistance has dried up private charity in the case of schools; it has not been found that education has become less efficient under State Inspection;—why should evils be apprehended in the case of places of refuge that have not ensued in the case of places of instruction? Thus much all must admit; that criminals who voluntarily submit to a fortnight's probation on solitude and bread and water*, manifest, at all events, a *desire* to forsake their guilty course; that those who subsequently conduct themselves with subordination, diligence, and decorum, with steady labour and hard fare for many months, give proof that this desire is not a mere passing fancy, but a fixed intention; and that for every man who, after undergoing these two probations, is restored to a life of honest industry at home or in the colonies, a sum in hard cash has been saved to the community far exceeding any amount which the State would be called upon to pay for the difference between his year's maintenance and his year's earnings. Were such institutions multiplied as we would have them in every county, and open to every sincere penitent, we firmly believe that ere long four-fifths of the criminal population of Great Britain might be rescued from a course of outrage and depredation, permanently and for life, and this at an expense not exceeding 25*l.* per head. If so—and it is only the theorists not the men of practical knowledge, who will say we are too sanguine—what speculative considerations should be strong enough to withhold us from prompt, decided, and extensive action?

One only objection has even apparent weight enough to command notice,—and this, too, is one which is urged by closet thinkers rather than felt by those cognisant of facts. It is represented that such establishments as we advocate, if open to

* It is a remarkable fact, that those who voluntarily apply for admission into Mr. Nash's reformatory are invariably the prosperous and skilful thieves—men of resolution and capacity. The incapable and indolent rarely come, and, if they do, never stay; they shrink from the probationary solitude, and are deterred by the steady industry and regular hours enforced upon all inmates.

all criminals on their own voluntary application, would often be resorted to by the destitute and struggling poor, who are found everywhere, and who abound, or did abound, in the Metropolis, and to whom a year's probation would be a small price to pay for being established in an honest and successful livelihood. The danger is one we cannot disprove, though we believe it to be next to *nil.* In the *first* place, the number of those who are at once honest and willing to work, yet unable to find employment, is far fewer than it was, and is every year diminishing: those who are prepared to labour steadily can almost always earn their bread, and for those who are not, an establishment like Mr. Nash's offers no attractions. *Secondly,* that distress must be severe and hopeless indeed which would induce an honest and unstained working man voluntarily to expose himself to a year's companionship with felons, even if reformed or reforming ones. Those who have experienced that the chief difficulty in disposing of liberated prisoners lies not in finding masters who will employ them, but fellow-workmen who will admit them to association (which is the fact), best know how strong this salutary sentiment is among the poor. *Thirdly,* the few honest men who are at once wretched and hopeless enough thus to take advantage of a refuge designed for the fallen, must be themselves on the very verge of ruin. They must apply, only because they feel that admission into such a place is the only resource which can save them from becoming criminals,—that they need it to *save* them, as much as others do to *redeem* them, from a life of crime. *

3. When all has been done that can be done in these ways; when all who can find their way abroad as free emigrants and by their own pecuniary resources have been put in the way of doing so by such information and facilities as their friends and their clergyman can furnish; and when others have, through the intermediary stage of these refuges, whose extension and multiplication we would urge so warmly, been enabled to reach the colonies, or to find engagements either in domestic service, or on Government works, or with private employers of labour, or as handicraftsmen on their own account; there will still remain a residue, though we hope and believe a very small one, whose reformation is so imperfect, or whose will is so feeble, or whose taste is so incurably vitiated, or whose habits are so hope-

* And what must be the mismanagement of the Poor House of a district in which the destitute prefer to enter a Reformatory rather than go within its walls?

lessly hardened and corrupt, that their restoration to a course of honest industry must be abandoned as chimerical or be looked upon, at least, as more than questionable; men whom we do not feel entitled to retain in permanent confinement, but yet whom we cannot liberate without strong anticipations that they will return to their old way of life, and live by depredation and outrage as before. Against such we are bound to protect society by all reasonable precautions. Thousands such now roam about the land, the terror and the nuisance of every district they frequent; hundreds may probably be found still, even after all our plans of reformation and restoration have been put in operation; men who are well known to the police as habitual criminals, yet who cannot be detected in any specific crime—men who are living well, and even wastefully, yet have no ostensible or honest mode of livelihood. With regard to such we see no injustice—but, on the contrary, much equity and propriety—in putting into action the suggestion of the able and experienced Recorder of Birmingham. We quote a few passages from his charge to the Grand Jury, 1850 and 1851:—

'To those who have made it a topic of observation and inquiry it is well known that criminals not unfrequently pursue a system of depredation with impunity for long periods. With regard to one man very lately sentenced to transportation, it has from peculiar circumstances occurred to me to know that his career of crime has extended over more than thirty years without a single conviction; and I have strong reasons for believing that his is by no means a solitary case. Almost every newspaper contains some paragraph narrating a criminal exploit in which there is a combination of skill and boldness marking out the perpetrator as experienced in the violation of the law. We often read of attacks in streets and other frequented thoroughfares by ruffians who seem to have taken as their model the Indian Thug; and their feats prove them as dexterous as their master, while in audacity they leave him far behind. Such outrages as these, gentlemen, are not the acts of *tyros* in villany. They imply the skill, the contempt of danger, and the indifference to the sufferings of their victims, which training, and training alone, can give. . . . .'

Again:—

'It is notorious to all the world, that a numerous class exists amongst us, known individually to the officers of justice as persons who follow crime as a calling, and who have no other means of subsistence than the remuneration which belongs to their nefarious course of life. For a time, not unfrequently extending over several years, they follow this calling in safety, because no opportunity has been found to bring home to them any particular act of crime. That

they must, of necessity, commit offences daily, is just as well known to the police as it is known to us that the passengers whom we meet in the streets must daily eat and drink, although we do not follow them to their homes, and are not able to aver that they have taken food of any particular kind, or at any particular moment. . . .

'Now, there is a statute on the books by which a reputed or suspected thief, by frequenting streets and certain places therein described, which are supposed to furnish greater opportunities for plunder than others, may, if the magistrates before whom he is brought infer from such frequenting that his intent was to commit a felony, be adjudged to be a rogue, and may be punished with imprisonment. Here, then, we see that, by the law of England, a person, under given circumstances, may be treated as a criminal and deprived of his liberty, in the absence of proof that he has committed any act which of itself is of a criminal nature. This provision, which is now nearly a century old, is, no doubt, a wide departure from the general principle of our jurisprudence to which I have adverted. No complaints, however, have arisen out of the exertion of this authority, open to abuse as it certainly would appear to be. . .

'But imperfect as the provision is in its present state, it may be capable of improvements by which the defects pointed out may be removed. What I would propose is, that when, by the evidence of two or more credible witnesses, a Jury has been satisfied that there is good ground for believing, and that the witnesses do actually believe, that the accused party is addicted to robbery or theft, so as to deserve the application of robber or thief, he shall be called upon in defence to prove himself in possession of means of subsistence, lawfully obtained, either from his property, his labour, or from the assistance of his friends. On the failure of such proof, let him be adjudged a reputed thief, and put under high recognisances to be of good conduct for some limited period, or in default of responsible bail let him suffer imprisonment for the same term. And as in matters of such moment it is always advisable to proceed with great caution, I would, until the experiment has been tried and found successful, confine the operation of the law to persons who have already been convicted of a felony, or of such a misdemeanour as necessarily implies dishonesty in the guilty party, as, for instance, obtaining money or goods under false pretences.'

Mr. Hill's proposal merely amounts to this,—that a certain amount of specified surveillance after liberation shall be *a portion of the punishment to which every convicted offender is sentenced*, or, if you prefer so to express it, a condition of his release;—that when once a man has been proved to belong to the *criminal population*,—*i. e.* to that class which habitually preys upon the community,—he shall forfeit that portion of his civil rights which consists in the assumption of his innocence;—that, whereas in the case of untainted citizens the *onus probandi* lies upon their accusers, in the case of liberated convicts the *onus*

should lie with the defendant. In *principle* we see no objection to Mr. Hill's suggestion. The plea of the liberty of the subject has no force here. When once a man has made himself by crime amenable to the laws of his country, he may justly be deprived of his liberty to any degree, and for any period, which the law deems fit and necessary. Society, which he has menaced and outraged, is obviously just as competent to condemn him to imprisonment for a given term, and to surveillance aftrewards, as to imprisonment for a longer term followed by no surveillance —to a total deprivation of his liberty for a time (that is) and to a partial curtailment of it subsequently, as to a total deprivation of it for a month, a year, or a life. The convicted criminal has forfeited his social position. Henceforth he is entitled only to that amount of freedom, and to freedom on those terms, which offended society may please to dictate. Nor do we anticipate any mischief in practice, unless such as might equally arise from indiscretion or malice in the administration of any power. That malignant or over zealous policemen *might*, under such a provision, persecute personal enemies, and throw difficulties in the way of unfortunate sinners who were struggling back to honesty, is just possible, —as it is possible that they may employ their present official position for purposes of oppression and extortion. It is said they do this as it is. It may be so: all power is liable to abuse, and it is the business of the magistrate to watch with vigilance, and to repress with unsparing severity, all such abuses. The provision in question might, however, be so hedged round with precautions as to make it impossible, or nearly so, to convert it into an engine of injustice or oppression, while for the public security, we believe, its operation would be of the most signal service. In the first place, the previous conviction (or as we should propose, two previous convictions, to secure his belonging to the criminal *class*) of the man in question must be proved; then the magistrate (or jury) must have the evidence of two credible witnesses that they believe him to be living by depredation. This done, he is called upon to show that he follows a lawful calling, or that he has property of his own to live upon, or that he is supported by his relatives and friends, or that he has friends who are willing to give bail for his good behaviour. If these facts are so, he can have no difficulty in proving them. The certificate of the employer for whom he works, or the testimony of two cognisable householders that he works at a trade, or any explanation of the mode in which he gains his living, would liberate him at once, and bring a severe reproof on the accusers who had summoned

him. But practically, as all experienced administrators of justice are well aware, mistakes or difficulties would scarcely ever arise; the persons and the habits of professional and regular criminals are perfectly well known to the police; and the danger is not that the innocent should suffer, but that too many habitual offenders should escape. A great number of the worst depredators would contrive to allege some plausible and irrefutable source of subsistence, and might, only too easily, slip through the meshes of the suggested proviso.

We must draw to a conclusion. We have much more to say, but we cannot say it now. The treatment of juvenile offenders; the various measures which might be adopted for the prevention or mitigation of crime, by attacking its sources and predisposing influences; the economical or moral objections which may possibly be urged against some of our recommendations,—these we must defer for consideration to some future time. We have here endeavoured to explain the present state of matters as regards the disposal of the prison population, and the various modifications and improvements we desire to effect in that state, — to describe what is done, and to suggest what ought to be done. We trust we have succeeded in convincing our readers, as assuredly we are convinced ourselves, that by a steady and systematic course of action,—which presents no serious or insuperable difficulties, which is suggested and sanctioned by long and wide experience, the main features of which are no longer matter of controversy or question, which violates no philosophic or economic principles, and which the highest interests of the community imperatively and urgently dictate, — we may so manage while in prison and provide for on release the criminal classes of these realms, as at once to rescue themselves from the logical consequences of their unhappy antecedents, and to secure society from the inevitable mischiefs which would ensue from their relapse. We firmly believe that, in order to ensure the beneficent results which we all, whatever be our theories, concur in desiring to bring about, it is only necessary to *will* with sufficient energy and to act on a sufficiently extensive scale; that the evil we are called upon to deal with, gigantic and clamorous as it is, is, like all other social evils, and more readily and surely than most others, curable on the application of the proper remedies; and that the difficulties of the case lie, not in the nature of the thing to be done, but in our want of resolution to grapple with and do it,—in our inconceivable national inertia; in our incurable habit of seeing lions in every broad path, and objections to every comprehensive scheme; in our

morbid tendency — half-laziness, half-scrupulosity — always to forego a great good rather than encounter a little evil or run a little risk; in the over-tasked energies of our public men; in the instinctive alarm with which we all shrink from novelties however salutary—the people because they are unprecedented, the officials because they are troublesome; in our paltry local jealousies; in our still paltrier and more unpardonable party strifes.

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